

COMMUNITY BULLETIN  
1/9/85

6  
th Community Bulletin, Wednesday, January 9, 1985

# Lebanon

## Proposal for Lebanon dam will need DEP head's OK

LEBANON — Department of Environmental Protection Commissioner Stanley J. Pac said yesterday the owners of the Lake Williams Dam will have to have his approval before going through with their plan to keep the bed of Lake Williams dry all year long.

Pac said he has authority to assess the environmental im-

part of the Gilman Brothers Company's proposal to keep the dam gates open. "They are essentially proposing that they (destroy) the dam," Pac said of the company's dam modification proposal. "They can't do that without a permit."

Pac said he could not comment on the dam modification proposal submitted last week,

but said he would weigh the environmental impact of keeping the lake thoroughly dry at a hearing scheduled for Jan. 22.

Possible environmental effects include damage to surrounding wells, effect on fish and wildlife, some of the area turning to marsh, and the aesthetic effects of a dry lake on residents, he said.

A DEP official who spoke on the condition he not be identified, said Monday that Pac would "try to stop (the Gilman's proposal) somehow if there's anyway he can do it." But Pac said he would reserve judgement for the Jan. 22 hearing.

Because the dam was declared unsafe in 1978 by the Army Corps of Engineers, the DEP ordered the company to repair or remove the dam. A dam modification proposal was submitted to the DEP last week, outlining how the company plans to correct the dam's current problems.

Lawrence Gilman could not be reached for comment.

**Residents Wonder if Lake Will Be There by Nightfall**  
STENZA, LISA  
*The Hartford Courant* (1923-1987); Jan 15, 1985;  
ProQuest Historical Newspapers: Hartford Courant (1764-1987)  
Pg. AB3B

## Residents Wonder if Lake Will Be There by Nightfall

By LISA STENZA  
*Courant Staff Writer*

LEBANON — While the owners of the dam at Lake Umbagog are keeping the water in, residents wondering if the water will be drained today, the residents are starting a statewide campaign to obtain support for their plight.

Gilman Bros. Co., which owns the dam, agreed in November to comply with a state Department of Environmental Protection order to close the dam's floodgates and allow the 247-acre lake, which they had drained, to refill. But the order requires the company to keep the gates closed only until

today, and company President Lawrence Gilman refused Monday to say whether the gates would remain closed.

"We make no definite plans," he said.

Gilman Bros. uses a hydroelectric plant at the dam to supply power to a business that makes insulation and flotation devices.

"If we need the water here for our operation, we'll open them [the gates]," Gilman said. "The Lake Umbagog Beach Association meanwhile is circulating leaflets to residents of lake-side homes throughout Connecticut, urging them to attend a DEP hearing about Lake Williams next week."

wood Lake in the Danbury area.

If the 120-year-old Lake Umbagog is allowed to drain today, Mitchell said, it would be a hazard to ice skaters. Most of the lake is frozen, he said, and if the water under the ice is drained, the ice could crack under the weight of the skaters.

The DEP hearing, scheduled for Jan. 22 at 10 a.m. in the State Office Building, is on a proposal by Gilman Bros. to leave the dam's floodgates open year-round and drain the 247-acre lake permanently.

A June 1978 inspection by the U.S. Army Corps of Engineers indicated the dam meets the federal safety standards. In 1980, Gilman was ordered to repair the dam

or remove it.

The company decided last year to remove the dam, saying the cost of repairs played a role in the decision. The company opened the floodgates and drained the lake in September so engineers could study how to remove the dam.

Residents complained that draining the lake caused the water table to drop and made nearby values go dry. They fear property values have dropped significantly as a result.

Lake Williams Beach Association filed an unsuccessful lawsuit. Mitchell said an appeal is expected to be heard Thursday in the state Supreme Court.

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# INSIDE CONNECTICUT

1/15/85

Eastern Edition

## Lake Residents in Lebanon Begin State Campaign

By LISA STENZA  
Courant Staff Writer

LEBANON — While the owners of the dam at Lake Williams are keeping lake-side residents wondering whether the water will be drained today, the residents are starting a statewide campaign to obtain support for their plight.

Gilman Bros. Co., which owns the dam, agreed in November to comply with the Department of Environmental Protection's order to close the dam's floodgates and allow the 247-acre lake, which they had drained, to refill.

But the order requires the company to keep the gates closed only until today, and company President Lawrence Gilman refused Monday to say

whether the gates would remain closed.

"We make no definite plans," he said. Gilman Bros. uses a hydroelectric plant at the dam to supply power to a business that makes insulation and flotation devices.

"If we need the water here for our operation, we'll open them [the gates]," Gilman said.

The Lake Williams Beach Association, meanwhile, is circulating leaflets to residents of the lake asking them to attend a DEP hearing about Lake Williams next week.

Association President George Mitchell said the plight of Lebanon's lake residents could be repeated throughout the state as dam owners

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such as Gilman Bros., faced with the choice of repairing or removing the dams, may decide to remove them because it is less expensive.

"We've maintained for a long time that this is a statewide issue, not just a local issue," Mitchell said. Leaflets have been distributed to

lake residents in Lebanon, Columbia and East Hampton, urging them to attend the DEP hearing, Mitchell said. This week, the association plans to distribute the leaflets around large lakes in New London County and as far away as Candlewood Lake in the Danbury area.

If the 120-year-old Lake Williams is allowed to drain today, Mitchell said, it could pose a hazard to ice skaters. Most of the lake is frozen, he said, and if the water under the ice is drained, the ice could crack under the weight of the skaters.

The DEP hearing, scheduled for Jan. 22 at 10 a.m. at the Office Building in Lebanon, will be called by Gilman Bros. to leave the dam's floodgates open year-round and drain the 247-acre lake permanently, instead of

repairing the dam. A June 1978 inspection by the U.S. Army Corps of Engineers concluded the dam needed repairs to meet federal safety standards. In 1980, Gilman was ordered to repair the dam or remove it.

The company decided last year to remove the dam, saying the cost of repairs played a role in the decision. Residents complained that draining the lake caused the water table to drop and made nearby wells go dry. They fear property values have dropped drastically as a result.

In an attempt to save the lake, the Lake Williams Beach Association filed an unsuccessful lawsuit. Mitchell said an appeal is expected to be heard Thursday in the state Supreme Court.

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**Lebanon Lake Residents Solicit Support**  
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## Lebanon Lake Residents Solicit Support

By LISA STENZA  
*Courant Staff Writer*

LEBANON — While the owners of the dam at Lebanon, Williams are keeping lake-side residents wondering whether the water will be drained today, the residents are starting a statewide campaign to obtain support for their plight.

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ny to keep the gates closed only until today, and company President Lawrence Gilman refused Monday to say whether the gates would remain closed.

Gilman Bros. uses a hydroelectric plant at the dam to supply power to a business that makes insulation and flotation devices.

The Lake Williams Beach Association, meanwhile, is circulating leaflets to residents of lake-side homes throughout Connecticut, urging them to attend a DEP hearing about Lake Williams next week.

Association President George Mitchell said the plight of Lebanon's

lake residents could be repeated throughout the state as dam owners such as Gilman Bros., faced with the choice of repairing or removing the dams, may decide to remove them because it is less expensive.

"We've maintained for a long time that this is a statewide issue, not just a local issue," Mitchell said.

Leaflets have been distributed to lake residents in Lebanon, Columbia and East Hampton, Mitchell said. This week, the association plans to distribute the leaflets around large lakes in New London County and as far away as Candlewood Lake in the Danbury area.

4 the Chronicle, Willimantic Conn., Wednesday, January 16, 1985

# Suburban

*Pressuring to keep lake intact*

## Residents start lobby action

By ANDREW LIDDELL  
Staff Writer

LEBANON — Fearful of plans its owners may have to remove the Lake Williams dam, lakeside residents have begun a state-wide campaign to bring pressure on the state to prevent the 264-acre lake from being drained.

According to Lake Williams Beach Association President George Mitchell, the association has organized a letter-writing campaign that has generated over 1,100 form letters to state Department of Environmental Protection Commissioner Stanley Pac asking him not to allow the breaching of the dam. A DEP spokesman said the department had received the letters.

Beach association members also have spent the past week posting flyers on telephone poles near residences bordering five lakes in the region, asking them to attend a January 22 public hearing on plans to permanently breach the dam submitted to the state DEP in December by the Gilman Brothers Company, owners of the dam.

Flyers were posted last weekend around Columbia Lake, Lake Pocotopaug in East Hampton, and Lake Williams, Amston Lake, and Red Cedar Lake, all in Lebanon, and there are plans next weekend to post identical flyers around lakes in the south-western part of the state, Mitchell said Tuesday.

"There are 1,000 dammed lakes in the state. If the Gilmans are allowed by the DEP to destroy Lake Williams by removing the dam, there are many other lakes in Connecticut that could suffer the same fate," Mitchell said.

The Lake Williams residents have offered to either buy or lease the dam, "and we've offered to share the cost of dam repairs, but the Gilmans won't talk to us. They seem determined the destroy the lake," Mitchell said.

Mitchell said Lake Williams residents also are worried that the Gilmans might decide to open the dam gate before the January 22 hearing.

DEP had ordered the Gilmans to keep the dam gate closed until Tuesday, but the Gilmans said today it is still closed, although they wouldn't indicate their future plans.

"We use millions of gallons of water for our operations at the Gilman Brothers Company," Lawrence Gilman said Tuesday.

"If we decide we're going to use some water from Lake Williams, we're going to use it, even if it means using some tomorrow morning," Gilman said.

The Gilmans' plant, located in the Gilman section of Bozrah, manufactures insulation and floatation devices.

Four years ago, the DEP ordered the Gilman Brothers Company to either repair or dismantle the dam due to its deteriorating condition.

The dam gate was opened about four-and-a-half months ago, and the lake was completely drained six weeks later.

The Gilmans drained the lake so company engineers could study the dam to prepare plans for its eventual removal.

But the company closed the dam gate in November in response to an order from the state Attorney General's office, following an on-site inspection of the dam by Pac.

The company was ordered to keep the dam gate closed until January 15, the original date of the upcoming hearing on the Gilman's application to remove the dam. However, the hearing date was subsequently rescheduled for January 22.

In July, the town of Lebanon established a Flood and Erosion Control Board which could, with town approval, take over the Gilman dam by eminent domain.

But town officials have said they expect town-wide resistance to purchasing the dam if the control board recommends such a take-over.

# Lebanon...Lebanon...Lebanon...Lebanon...Lebanon...Lebanon...Lebanon...Lebanon...Lebanon...Lebanon

## DEP Hearing On Lake Williams Dam Tuesday

**By Greg Barden** - The Gilman Brothers proposal to leave the gates of Lake Williams dam open year-round will be heard by the state Department of Environmental Protection this Tuesday, Jan. 22, in Hartford.

Because the dam was

declared unsafe in a 1978 Army Corps of Engineers' report, the DEP ordered the Gilmans to submit engineering plans for either repair or removal of the dam. Earlier this month, the DEP received the lake owners' report which proposed leaving the gates open. A DEP official said

the plan would still provide flood protection required by the Army Corps of Engineers, but would lead to the demise of the lake.

DEP Commissioner Stanley Pac has said he will weigh the environmental impact of keeping the lake dry at the hearing.

According to a letter from Benjamin A. Warner, DEP director of the Water Resources Unit, to the Gilmans, it is the burden of the applicants to demonstrate that their plan is consistent with applicable statutes and regulations.

Following the hearing, the hearing officer will

send a proposed decision to the commissioner, and copies to each party involved. Any party that opposes the proposed decision will have 10 days to file briefs or request oral arguments with the commissioner. If oral arguments are held, however, no new evidence may be

introduced at that time. The town's Flood and Erosion-Control Board established this summer to deal with the Lake Williams situation, has discussed the options it has to take in the matter, and is currently formulating a list of priorities. One suggestion the flood board has considered is the state taking over the dam, while others include renting the dam from the Gilmans, assuming control of the lake by eminent domain, or negotiating an agreement with the owners that would keep the water level of the lake at an agreeable level.

Lake Williams' seasonal residents have begun a letter-writing campaign to town officials stating they fear that if the lake is drained their wells will also drain. The Lake Williams Beach Association is encouraging residents of lakes across the state to attend the DEP hearing, believing it is a statewide issue.

The Lake Association filed an unsuccessful lawsuit against the Gilmans in an earlier attempt to save the lake, and was expected to file an appeal of the decision in state Supreme Court, Thursday.

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CHRONICLE

## DEP hearing testimony

# Lake Williams dam removal could affect wetlands, lower water table

By ANDREW LIDDELL  
Staff Writer

HARTFORD — Plans by the owners of the Lake Williams dam to remove the dam would affect the surrounding wetlands to "a very great extent," a state environmental analyst said at a public hearing today conducted by the Department of Environmental Protection.

The Gilman Brothers are applying for a permit from the state DEP to breach the dam in response to a DEP order that the dam either be repaired or removed. Douglas Cooper, Environmental Analyst for the DEP Water Resources Division said breaching the dam and losing the open water area of Lake Williams would cause "a sharp decline in the area water table," especially in the western and northwestern sections of the lakeshore.

Cooper added that breaching the dam

would hurt the downstream water quality by increasing sedimentation content.

The analyst claimed reduction of the water table would result from draining the lake which possibly would diminish well water supplies for the people living next to the lake.

Today's hearing was attended by 75 people.

According to an engineering investigation dated Jan. 22 and submitted at today's hearing by DEP Water Resources Engineer Paul Biscuti, the amount of money it would take to repair the Lake Williams dam could approach \$200,000.

Prepared at the request of the Lebanon Flood and Erosion Control Board, the engineering report recommends raising the entire dike and the non-overflow section of the dam and constructing structural reinforcement of the main dam. Biscuti also recommends reconstruction of the

spillway walls and installing a new control mechanism for the dam gate.

Along with today's testimony, the DEP has entered into the record over 1,000 letters from residents from the town of Lebanon and surrounding towns citing the environmental and economic benefits afforded by the lake.

At a special meeting Monday afternoon, the Lebanon Board of Selectmen voted to issue a statement at the hearing urging the DEP "take necessary steps to save the lake and not allow the dam to be breached."

Removing the dam and draining the lake would take away a valuable resource for year-round recreation and would destroy the wildlife sanctuary at the lake, the selectmen's statement said.

First Selectman Ed Clark said Monday he wants the DEP to take over the dam, either by buying it from the

Gilmans and repairing it or by just agreeing to taking over responsibility for fixing the dam and maintaining it.

In its May 1982 order to the Gilmans, the DEP ordered that the dam either be removed or that the following repairs be made to the dam and the adjoining spillway:

- \* Repair the upstream and downstream faces of the spillway and retaining walls.

- \* Provide erosion protection to the upstream face of the dike.

- \* Restore the full cross section of the dike.

- \* Remove stumps from the dam.

Along with their statement, the selectmen presented letters from 26 residents who live around the lake and three other residents who live nearby who expressed concern that draining the lake would dry up lakeside wells.

Also presented at the hearing was a January

14 letter from Planning and Zoning Commission Chairman Harold Liebman stating that the commission opposes the Gilman's plan to breach the dam because it would mean the loss of recreation facilities and a wildlife sanctuary.

In a January 18 letter to the DEP, Windham Regional Planning Agency Planning Director Meg Reich opposed breaching the dam because it would "adversely affect adjoining property owners." Removing the dam and draining the lake also goes against the regional planning agency's "Regional Growth and Preservation Guide Plan" for preserving lakes in the region, Reich said.

The final decision on whether to allow the Gilmans to go ahead with their plans to remove the dam rests with DEP Commissioner Stanley Pac, a DEP spokesman said.

# Dam's Owners Agree To Discuss Lake Williams Options

By LISA STENZA  
*Courant Staff Writer*

A six-hour state hearing Tuesday on a proposal to reduce Lake Williams in Lebanon to a 247-acre mud puddle ended in peace talks that may save the popular lake.

Lawrence and Charles Gilman of Gilman Bros. Co., owners of the dam that creates the lake, told town officials near the end of the hearing that they would meet with them to discuss alternatives to their plan of draining the lake by leaving the dam's floodgates open permanently.

About 120 people live around the lake, and most of them have fought Gilman's plans for two years. They and others use the lake for swimming, fishing, boating and ice skating.

First Selectman Edward O. Clark said he would call the Gilmans Monday to arrange the meeting.

"Finally — progress," he said. Gilman Bros. is under order by the state Department of Environmental Protection to either repair the dam or remove it. The Gilmans last month proposed draining the 120-year-old lake as the least-expensive option, estimated to cost \$20,000. The hearing was held because state approval is needed before the plan can be implemented.

"All this baloney today was worth it if we can come to some agreement," said David Day, an alternate member of Lebanon's Flood and Erosion Control Board, which was established solely to save the lake. The group said the Gilmans had refused to meet with them.

After speaking briefly with town officials during a recess just before the hearing ended, Lawrence Gilman said the lack of communication between the two groups has been a misunderstanding.

"These people are all our friends," he said.

Lakeside residents, however, felt differently. Several who spoke at the hearing accused Gilman Bros. of ignoring their pleas to negotiate because the Lake Williams Beach Association took Gilman to court in an attempt to save the lake. The associ-



Dan Haar / The Hartford Courant

Lawrence Gilman of Gilman Bros. Co., left, speaks with Lebanon First Selectman Edward O. Clark at a state hearing about Lake Williams Tuesday. At center is Irving Klotic, chairman of the Lebanon Flood and Erosion Control Board. The hearing was in Hartford.

cost \$200,000.

Miller said the group would not drop the lawsuit because if negotiations are unsuccessful, the court process would have to begin anew.

Lewis Miller, DEP hearing officer, continued the hearing until Jan. 31 so additional testimony could be given. He said if an agreement with the Gilmans is not reached, he will submit a decision on the proposal to drain the lake to DEP Commissioner Stanley J. Pac for final approval.

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Raymond Kanter, who has owned Kanter's Campground at the lake for 32 years.

Beach association President George Miller has said his group is willing to pay for repairs to the dam. DEP officials estimate repairs would cost \$200,000.



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# DEP says dry Lake Williams

Norwich Bulletin, Wednesday, January 23, 1985 FIVE

## would adversely affect area

By TRACEY O'SHAUGHNESSY  
Bulletin Staff Writer

HARTFORD — Department of Environmental Protection officials testified yesterday that a proposal to drain Lake Williams will have adverse environmental, social and economic impact on the area surrounding the lake.

At an all-day hearing before DEP Senior Adjudicator Lewis Miller that drew a crowd of 35-40, the Gilman Brothers Corp. presented its proposal to remove the gate of the dam to comply with a DEP

order to correct the dam's unsafe condition.

Miller will review yesterday's testimony and recommend a decision to DEP Commissioner Stanley J. Pac within a week, state officials say. His recommendation may be appealed and those appealing may make oral arguments before Pac decides whether to grant the company a permit for its proposal.

Part of the company's plan involves building a silt fence to collect sediment from the oncoming water. Lawrence Buck of Buck and Buck Engineers, representing the

company, presented Miller with an 1891 deed indicating the company had the right to remove sand and materials to repair the dam.

However, Buck said the area where the fence was to be constructed was not owned by the company. He said he did not know who owned the land.

However, he said he considered the construction of a fence "an accessory to a permitted use."

Because the dam was declared unsafe in 1978 by the Army Corps of Engineers, the DEP ordered the company to repair or to remove the dam. Leaving the dam gates open would destroy the lake but would still provide flood protection required by the Army Corps of Engineers' report.

Buck called the move reversible, saying the dam could later be restored "to its current, or some other condition ... as economic conditions allow."

Buck said the company chose the option because of its reversibility, its flood control benefit and because it was the least expensive way to respond to the DEP's directive.

He said the Gilman Brothers told him they did not have the money to repair the dam. Repair estimates range from \$200,000 to \$400,000.

If permitted, Buck estimated its proposal would cost \$20,000.

But DEP Director of Water Resources Benjamin A. Warner said the cost to the company would be less if it negotiated a settlement with Lebanon's Municipal Flood and Erosion Control Board. He said if the board negotiated a long-term dam lease with the company, the state could cost-share up to one-third to one-half to repair the lake.

"I think the owners of the dam and the Flood and Erosion Control Board should consider seriously the severe ramifications of making Lake Williams disappear from the face of the earth," he said.

Board Chairman Irving Klotic

said he doubted the town would accept a proposal to take over the dam. He said, however, that the board would "take any positive action we can get steering on to resolve the situation."

But Lawrence Gilman said he was unsure the town would be willing to spend money to repair the dam. "You can't negotiate with anyone who doesn't have any mon-

ey," he said.

Brian J. Emerick of the DEP's Coastal Area Management office said the proposal would adversely affect the aesthetic value of the lake and would reduce the town's tax revenues because shorefront owners will no longer pay shorefront tax rates.

He also said draining will lower the water table and make dug wells

inoperable. He said fire insurance rates will probably be readjusted because they are now based on the lakefront owners' proximity to the lake.

"Everybody is saying 'Why doesn't somebody do something so that we can have a lake,'" Gilman said. "Everybody is talking about the aesthetics and the water, when the fact is we own the lake."

## Town, state, Gilmans to discuss cost-sharing

# Lake Williams dam repair agreement possible

By ANDREW LIDDELL  
Staff Writer

LEBANON — The town, the state, and the owners of the Lake Williams dam have an opportunity to enter into a cost-sharing arrangement to repair the dam and save the lake, it was revealed at a state hearing Tuesday.

The fate of the lake hinges on two meetings to be scheduled soon among the conflicting parties in the matter.

Among the matters to be discussed is the possibility of the town receiving some state money to help pay for one-third of the cost for repairing the dam, said Phil Moreschi, principal engineer for the Department of Environmental Protection Water Resources Division.

The first meeting was agreed upon by First Selectman Ed Clark and Lawrence Gilman at Tuesday's public hearing conducted by the DEP on the Gilman's permit application to dismantle the dam and empty the lake.

Clark, also chairman of the town Flood and Erosion Control Board's negotiating committee, said this morning he will schedule a meeting of the three-member negotiating committee and the Gilman brothers "to discuss saving the dam and keeping the

dam gate closed so we can have water in the lake."

Clark said that he and Ray Kantor and Al Lopes, the other two members of the negotiating committee, will meet with the Gilmans early next week.

The Gilmans have claimed they need to open the dam gate occasionally to supply water for their Bozrah plant which manufactures insulation and floatation devices.

But according to the Gilmans' permit application before the DEP, the dam would stay open permanently because the dam owners had decided they want to breach the dam by removing the dam gate rather than pay the cost of repairing the dam.

According to the DEP, the cost for repairing the dam may run as high as \$200,000.

The second meeting on the fate of the Lake Williams dam will include the town Flood and Erosion Control Board chairman Sol Klotic, the Gilmans' attorney Edmund O'Brien, the Lake Williams Beach Association attorney Hatcher Norris, and DEP Water Resources Director Benjamin Warner.

DEP Hearing officer Lewis Miller said today he directed the above parties to meet "and work out some kind of compromise."

"They will get back to me and report on the progress of their negotiations before the public hearing reconvenes January 31," Miller said.

"I want them to try to work out a settlement. If they don't, I'll have my own settlement which I'm sure won't satisfy all parties," the hearing officer said.

Lewis said he then would submit his proposed settlement to DEP Commissioner Stanley Pac for final approval.

Moreschi said Wednesday the town Flood and Erosion Control Board can enter into an agreement with the state for a cost-sharing arrangement where the state would pay one-third of the cost for repairing the dam.

Either the town would pay the remaining two-thirds of the dam repairs or the control board could set up a local taxing district comprised of properties surrounding the lake, Moreschi said.

The control board could negotiate a long-term lease with the Gilmans for the dam and then would be able to assess properties within the taxing district for the town's share of the repair costs "over a period of 20 years or so," Moreschi said.

The control board also has the option of negotiating with the Gilmans to see

whether the dam owners will share some of the town's costs for fixing the dam, the DEP engineer said.

Warner said today that the problems surrounding the Lake Williams dam were partly responsible for an amendment last year to the state statute on municipal flood and erosion control boards. The amendment passed in the previous session of the state General Assembly includes state money to help repair unsafe dams.

"Nobody wants to see that lake disappear," Warner said. "We know that the costs for repairing that dam would be so extensive that the owner would balk at repairing the dam," by choosing to dismantle it instead, Warner said.

The legislation was amended to provide for state money to pay one-third of the repair costs for privately owned dams and up to two-third for dams that are municipal property, Warner said.

Lawrence Gilman said today that he looks forward to meeting with the flood control board to discuss possible cost-sharing arrangements between the Gilmans and the town on fixing the dam.

"I'm certainly not going to say at this

point how much we're going to pay to fix that dam," Gilman said.

"This is the first time anybody has said the state would help in the matter," Gilman said. "We've said right along we'll talk with anybody about fixing that dam," he added.

Flood control board chairman Sol Klotic said today he will set up a meeting soon among representatives of the control board, attorneys for both the Gilmans and the Lake Williams Beach Association, and DEP Water Resources Director Ben Warner.

Klotic said he expects much difficulty in persuading the town to take over responsibility for the dam, but said he would try his best to have all parties reach an agreement.

"I'll try and hammer out something," Klotic said.

Hinging on efforts by Klotic and Clark to reach an agreement on preserving the dam are property values on residences surrounding the lake.

Warner said in a January 14 report to the DEP that the removal of the dam gate and the draining of the lake would reduce Lebanon's grand list by about \$135,000 and would result in a loss of approximately \$3,000 in property taxes due to reduced tax assessments for lake-side dwellings.

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COMMUNITY BULLETIN

## Property owners urged to attend dam hearing

LEBANON — The president of the Lake Williams Beach Association has been urging owners of lake property in the state to attend Wednesday's Department of Environmental Protection hearing on the Lake Williams Dam.

Meanwhile, DEP officials are calling the hearing the beginning of a "landmark case" that could set a precedent for dealing with lakes in a situation similar to that of the Lebanon lake.

The Gilman Brothers Co., owner of the dam, recently submitted a dam-modification proposal to keep the gates open year-round, thus destroying the lake.

Because the dam was declared unsafe in 1978 by the Army Corps of Engineers, the DEP ordered the company to repair or remove the dam. Leaving the dam gates open, as the proposal suggested, would destroy the lake but would still provide flood protection required by the Engineers' report.

Lawrence Gilman defended the company's proposal, saying that private property rights and the DEP's original order give them the freedom to destroy the dam. "What people have to understand is that it's our property, we bought it. We have a deed to it. We own the dam. We own the water rights and we can do whatever we

want because it's our property."

"To fix the dam is tens of thousands of dollars," he added. "[The DEP] gave us an order [to repair or to remove the dam] and we came back and said we'll destroy it."

Benjamin Warner, DEP Director of Water Resources, said the DEP must consider both the environment and dam safety before deciding if the company's proposal is viable.

"We've got two different responsibilities sort of coming head-to-head," he said. "And how we handle this case is going to set the stage for how we deal with this situation in the future."

He said if DEP Commissioner Stanley J. Pac decides the proposal is unacceptable, the company would appeal the decision to the courts.

George Mitchell, president of the Lake Association, said he was "trying to get the word out to other lake property owners in Connecticut. We feel they have the same concern in this matter."

# Lebanon...Lebanon...Lebanon...Lebanon...Lebanon...Lebanon

## Negotiations To Begin Concerning Saving Of Lake

By Greg Beiden  
LEBANON — More than 60 town residents are scheduled to attend a Department of Environmental Protection hearing on the Gilman Brothers Corp. application to drain the 264-acre Lake Williams, and it proved to be worthwhile as the contesting parties, DEP officials, have decided to sit down and negotiate the case in an attempt to save the lake.

First Selectmen Edward Clark said the meeting will be next week between the Lebanon Flood and Erosion Control Board negotiating committee, which Clark heads, and the Gilmanans, owners of the Lake Williams dam. Matters will be discussed before the state Supreme Court.

After the first negotiations, the hearing will include the following: Flood Board Chairman Sol Klotic, Edmond O'Brien, the Gilmanans' attorney, Hatcher Norris, the Lake Association's attorney, and DEP Water Resources Director Benjamin Warner.

Lewis Miller, the DEP Adjudication hearing officer, voiced his encouragement of a meeting between the slides at Tuesday's meeting which will be continued Jan. 31 to allow witnesses for the Beach Association to testify. Miller will receive a

report on the negotiations before the continuance of the hearing.

Moreschi was one of many DEP engineers to speak at the hearing, each discussing the impact of the Gilmanans' plan on their own particular field on the lake.

The DEP testimony was followed by a presentation of the Gilmanans' application by Atty. O'Brien, and oral testimony by numerous lake residents.

In the cost-sharing arrangement, Moreschi said the town could pay the remaining two-thirds of the repair costs or a tax district could be set up to collect those who benefit by the dam.

While reviewing the permit application, Moreschi said it would allow for sufficient flood protection, but there would be a potential for downstream silt sedimentation. The plans call for a sediment catch basin to be installed, but while he hasn't reviewed the design plans for the basin, Moreschi said he would like to be allowed to pass at least during a small rain event and the beginning of a large rainfall. The engineer predicted it could take from six months to two years for the lake bed to naturally stabilize.

Douglas Cooper, of the DEP Wet-

lands Management Unit, said draining the lake would create drastic changes in the wetlands area including the loss of aquatic life.

The proposed action by the Gilmanans will cause adverse environmental and social impact, Principal Engineer Robert Moreschi for the DEP Council Management Office Brian Emestick said. Emestick cited aesthetics, recreation, water supply, and fisheries as major factors to be considered.

Paul Biscuit, another DEP engineer, said he investigated the dam at the request of the Beach Association, and found the most feasible plan would be to construct an embankment around the lake to be easy to install and would prevent overtopping, but would cost about \$200,000.

Lawrence Buck, of Buck and Buck, who prepared the Gilmanans' plan, estimated Biscuit's report could not be done for \$200,000. Buck termed the plan he presented as a "reversible breach," because he claimed the income from the lake would be stored "(if the plan) is the least expensive possible way to respond to DEP's order to make the dam safe or remove it," Buck said.

During the public testimony, Flood Board Chair-

man Klotic said the lake has been a landmark in the state for more than 140 years. "It's reservoir for clean, fresh water and provides for many environmental and conservation benefits," Klotic said. "Lowering the water level would destroy the lake and by detrimental to its residents. The flood would cause them to get this settled said is sufficient to do anything within reason."

Two lake residents expressed concern about the accumulation of silt that occurred when the lake was drained in Oct. and fear what might result if the lake was permanently lowered. Denise Brennan said the silt is very dangerous and she cannot walk on it. "The lake from her house because it is so deep there. Run LeForge agreed, stating he had to pull one of his animals out of the silt and worries about his four children playing in the area.

Al Lopes, a member of the flood board's negotiating committee, voiced frustration at not being able to meet with the dam owners in the past. He said he had made many attempts to contact the Gilmanans but had yet to hear from them. "I'm just a member of the board trying to resolve this for the good of the town," Lopes explained.

1/26/85  
STANDARD

11/30/85

COMMUNITY  
BULLETIN

## Lebanon

### Gilman Bros. to present Lake Williams dam plans

LEBANON — The Gilman Brothers Corporation will present its proposal to the Department of Environmental Protection to modify the Lake Williams Dam.

An Army Corps of Engineers' 1978 study called the dam unsafe. The Department of Environmental Protection, acting on the Corps' study, subsequently ordered the Gilman Brothers Corporation to repair or remove the dam. Today, the company will present its proposal to modify the dam to the DEP.

The company has decided to keep the dam gates at southeastern Connecticut's fourth largest recreational lake open all the time.

First Selectman Edward O. Clark has repeatedly expressed his frustration that the crux of the controversy — the dam's safety capacity — has been overlooked by the DEP.

"The DEP has been playing with this thing for eight years," Clark said, "and they haven't been able to tell us anything that is wrong with the dam."

The main problem with the dam involves the capacity of its spillway, the Corps reported. If a major flood occurred,

the spillway would be too small to handle a major flow of water, it said. The dam was labelled to be in "unsafe, non-emergency" condition.

The other problem the Corps noted with the dam was the erosion of abutments made of dirt. The dam is made of both soil and stone. Although the Corps determined that the stone section was in no danger of failing, it did say the earth abutments could erode.

However, a subsequent study by the Gilman Brothers' engineers found the stone spillway section unstable. Buck and Buck Engineers reported that the dam could then potentially fail in an extreme waterflow.

The Corps said 12 to 15 inches of rainfall in 24 hours could destroy the dam. However, Phil Moreschi, DEP's principle civil engineer, said the dam could fail in a "100 year storm."

Destruction of the dam, he said, could at least wipe out Route 207 and potentially affect residents downstream. He said during a major flood, the failure of the dam may aggravate flooding along the Yantic River. He emphasized that most of the problems would occur on Route 207 in Lebanon.

## Gilman Brothers reject offer to lease Lake Williams Dam

LEBANON — The Gilman Brothers Company rejected an offer from the Flood and Erosion Control Board to lease the Lake Williams Dam for 25 years, saying it had no interest in a partnership with the town.

Board Chairman Irving Kiotic said he then offered to buy the dam from the company and make the necessary repairs. Lawrence and Charles Gilman said they would consider the proposal.

Kiotic said he would buy the dam for an old Lebanon resident now living in New York. The former resident, whom he declined to name, would use the dam as a tax shelter, Kiotic said.

The two-hour meeting was scheduled to comply with state Department of Environmental Protection Senior Adjudication Officer Lewis Miller's order that the company try to negotiate a settlement with the Flood Board before the hearing is scheduled to continue Thursday.

An all-day hearing was held Tuesday to allow the Gilmans to discuss their dam modification proposal to keep the dam gates open year-round, thus destroying the lake.

Because the dam was declared unsafe in 1978 by the Army Corps of Engineers, the DEP ordered the company to repair or remove the dam. Leaving the dam gates open would destroy the lake but would still provide flood protection required by the Army Corps of Engineers' report.

Kiotic said DEP Director of Water Resources Benjamin A. Warner suggested obtaining a minimum 25-year lease from the company. He said Warner

said the state would pick up one-third of the repair cost.

The DEP Tuesday estimated the cost of repairing the dam at \$200,000. Under the proposal, the state would pick up \$70,000 and the town would have to allocate the remaining \$130,000. Kiotic said he was

"quite sure the town would not buy that."

Kiotic said the Gilmans then said if such a lease was granted, the town would not only have to repair the dam, but provide an additional monetary compensation to the company.

1/31/85  
BULLETIN

**DEP hearing on Lake Williams continues**

# Flood control would cost Gil

By ANDREW LIDDELL  
Staff Writer

**HARTFORD** — If the owners of the Lake Williams dam open the structure, they still would have to pay half as much for flood control as they would to preserve the entire dam, according to an engineer's testimony at today's public hearing on the dam.

The dam is owned by Charles and Lawrence Gilman, who have submitted a permit application to the state Department of Environmental Protection that would allow them to open the dam by removing the its gate.

Testifying for the Lake Williams Beach Association, which opposes the permit, Karl Acimovic of Lenard

Engineering of Storrs, Beach Association to estimated that "\$120,000 help fix the dam. would essentially preserve value of the present dam and lake level."

Even if they open the dam, the Gilmans would have to pay a minimum of \$60,000 for siltation control and dam repairs necessary for flood water retention in the event of a severe storm, Acimovic said.

"The dam will have to provide some flood water retention capacity in any case," the engineer said.

Charles Gilman conceded that some retention of the dam is important for flood protection. Gilman, vice-president of Gilman Bros. Co. in the Gilman section of Bozrah, also conceded that he had rejected an offer of financial assistance from the Lake Williams

to continue through the afternoon.

Gilman also said that he turned down a proposal from the Lebanon Flood and Erosion Control Board through which the town would lease the dam and pay for repairs.

DEP hearing officer, Lewis Miller said today some progress has been made in negotiations among the principal parties involved in the Lake Williams dam controversy, but the progress was not enough to change the course of the hearing.

The hearing, which began today at 10:30 a.m. in the Hartford State Office building, included testimony from witnesses called on behalf of the lake association by its attorney, Hatcher Norris. The hearing is expected

to continue through the afternoon.

At a January 22 public hearing on the dam, DEP hearing officer Lewis Miller instructed representatives from the Gilman Brothers, the beach association, the Lebanon flood and erosion control board to meet with DEP Water Resources Director Benjamin Warner before today's hearing in an attempt to negotiate an agreement.

If the interested parties failed in this effort, Miller said he would come up with his own settlement "which I'm sure won't satisfy all parties."

Lewis said he then would submit his proposed settlement to DEP

Thursday, January 31, 1985

## Gilmans half of preserving dam

Commissioner Stanley Pac for final approval.

The principals involved include the Lebanon Flood and Erosion Control Board Chairman Sol Kiotic, The Gilmans' attorney, Edmund O'Brien, beach association attorney Norris, and Warner.

If Lake Williams residents chose to combine into a taxing district, they can negotiate with the Gilmans for a long-term lease of the dam and they can work out an agreement with the Gilmans on sharings costs for fixing the dam.

The cost for repairing the dam could approach \$200,000, according to an engineering estimate submitted at the January 22 hearing by

DEP Water Resources Engineer Paul Biscuti.

According to the DEP report, the following repairs are needed for the dam and the spillway:

- Repairs to the upstream and downstream faces of the spillway and retaining walls.

- Erosion protection for the upstream face of the dike.

- Removal of stumps from the dam.

Phil Moreschi, principal engineer for the DEP Water Resources Division, said at the January 22 hearing that the state can pay one-third of the dam repair costs if the dam remains under private ownership, and up to two-thirds of the repair costs

if the town assumes dam ownership.

Warner said the six-year-long controversy over repairing the Lake Williams dam was partly responsible for an amendment last year to the state statute on flood and erosion control boards. The amendment passed in the previous session of the state General Assembly includes state money to help repair unsafe dams.

State money was set aside for dam repairs in the state because it is common knowledge that dam repair costs are so steep that some dam owners would balk at the prospect of having to foot the entire bill, Warner said.

The key to reaching a

solution to the Lake Williams dam controversy lies in the willingness of the interested parties to put aside the animosities that have built up over past years in order to come up with a workable compromise, Warner said.

Four years ago, the DEP ordered the Gilmans to either repair or destroy the dam which had deteriorated over the years. The Gilmans, in a permit application filed with the DEP in December, opted to breach the dam by removing the dam gate.

The permit application was the subject of the January 22 public hearing which was continued until today.

The lake tale continues

# Flood board critical of state order for dam

By CHRISTINE KOTRBA Staff Writer

LEBANON — The Flood and Erosion Control Board said Tuesday a state order on the repair of the Lake Williams is vague and gives the owners too much time to draft a repair plan.

Flood board Chairman Sol Kiotic said state Department of Environmental Protection Commissioner Stanley Pac's order to the dam owners, and that the only power Lawrence and Charles Gilman, should have included specific details on what repairs must be made to the dam, rather than simply instructing the owners to repair it.

Why in the heck doesn't Pac lay down the rule and say what he wants? Kiotic asked. Whose side is he on? To repairs to the dam, but were instructed to contact the DEP immediately about the dam gate which was damaged by vandals last summer.

The flood control board didn't vote on their position on the spillway.

ly owned dams around the state, "and if they (the state) go ahead and do it on this one lake, it sets a precedent."

"I don't think that bill is going to go through," he said.

Pocius, who also sits on the eastern Connecticut Resource Conservation and Development Board, said he has looked into obtaining federal assistance to purchase the dam, but because there is no public access on the lake now, that might be impossible.

The agency approved, unanimously, a motion that the panel not take any formal position on the lake preservation efforts.

The agency approved the DEP, in drafting a new State Comprehensive Outdoor Recreation Plan, include funds for development of a swimming area and boat launch on Lake Williams, if public access to the beach is obtained.

FEB 5 7H

# WRPA supports access to lake, but balks at bill

By ROBERT HAMILTON Senior Reporter

The Windham Regional Planning Agency supports saving Lebanon's Lake Williams, and thinks there should be public access to the lake, but the agency balks at supporting a proposed Erosion and Sedimentation Control Board have not yielded any progress.

"Nobody wants to spend any money in the bottom line," she said, because the lake property owners feel it is already a lake, and they are not responsible, while the Gilmans feel they should not, alone have to pay to maintain a lake where others share the benefits.

Agency members, however, were reluctant to approve of the purchase without seeing the final language.

"I don't feel I have enough information to make a decision one way or another," said WRPA Chairman Christian Davis.

Member Felix Pocius also pointed out that there are many private-



2/6/85  
COURANT

B2 THE HARTFORD COURANT: Wednesday, February 6, 1985

## Agreement on Preserving Lebanon

By LISA STENZA  
Courant Staff Writer

LEBANON — Although Lebanon is one of the smallest towns in Connecticut, state Department of Environmental Protection officials say an agreement being negotiated there will have an impact on the preservation of lakes throughout the state.

The owners of the dam that creates Lake Williams want to let the 247-acre lake go dry. If Lebanon residents, who use the lake for recre-

ation, can persuade the owners to preserve it, the case will serve as a precedent, said Benjamin Warner, DEP's director of water resources.

The town's Flood and Erosion Control Board, which was established solely to save the lake, met last week with Lawrence Gilman of Gilman Bros. Co., which owns the dam, to discuss alternatives to the company's plan to leave the dam's floodgates open permanently. To the chagrin of lakeside residents, Gilman last month proposed draining

the lake as an alternative to repairing the dam.

The company has battled with residents for years over the 120-year-old lake, which has been drained several times so the dam could be studied.

Warner said Monday the next step is for the board to come up with a proposal for raising the \$200,000 needed to repair the dam.

The DEP has recommended that town officials consider creating a special taxing district, and the board

## n Lake Could Be Model for State

now is trying to decide where the district's boundaries would lie. Warner said the board could impose the tax on all residents if it decides everyone in town benefits from the lake, a popular recreation spot.

"The key to solving the problem is somebody's got to come up with the money to do this," Warner said.

The DEP has concluded a hearing on Gilman's proposal to leave the dam's floodgates open. Lewis Miller, the DEP hearing officer, must now submit his decision to DEP Commis-

sioner Stanley J. Pac for final approval.

Warner said if an agreement to save the lake is reached, he could ask the commissioner to withhold his final decision until a formal plan can be presented. The DEP has no deadline to approve Gilman's plan.

Of the approximately 4,000 dams in the state, about 1,000 are privately owned and surrounded by homes, said Philip W. Moreschi, principal civil engineer with DEP's Water Resources Unit.

Legislation passed in June 1983 requires that all dams be inspected periodically, and owners of those dam may be faced in the future with the choice of repairing or removing the dams.

"If we're successful [in Lebanon], it means we can use this then as a very strong lever to make other disagreeing constituents get together and resolve something," Warner said. "This is a landmark case; it's something we might want to rely on in the future."

## Lake Williams dam may set example for state

LEBANON — An order by the Department of Environmental Protection forcing owners of the Lake Williams Dam to close the dam gates could set a precedent for dams in the state.

DEP Commissioner Stanley J. Pac said the cease and desist order marks the first time his agency ordered a private company to close the gates of that company's own dam. But the order itself will not resolve the issue. According to DEP Director of Water Resources Benjamin Warner, the problem can be solved in one of three ways:

- The state could take over the dam.
- The Lebanon Flood and Erosion Control Board could take over the dam.
- The Gilman Brothers could destroy the dam.

Warner had hoped board members, armed with the right of eminent domain, could negotiate with the Gilmans about the dam.

But the board's attempts to negotiate were thwarted when the Gilmans refused to speak to board representatives, cit-

ing a suit filed against them by the Lake Williams Beach Association. The association sued the Gilmans over the company's right to drain the lake. Both Gilman brothers have refused all comment while the matter is in litigation.

"I'm disgusted with the whole bunch of them," Warner said, "The Gilmans and the Lake Association for not trying to settle this in an intelligent manner. It's absolutely ridiculous that they carry on in such a juvenile manner. Both sides are trying to circumvent all our practices and intentions."

A municipal flood and erosion control board has not yet taken over a dam anywhere in the state.

If the board takes the dam away from the company, it would have to pay whatever the courts decided to be the appraised value of the dam and water rights.

First Selectman Edward O. Clark noted no cost estimate has been made for either the dam or its repair. Without this, he doubted the town would take over the dam.

Please see page 11/DAM

## Dam

(Continued from Page 5)

The Army Corps of Engineers in 1978 declared the dam unsafe. The DEP then ordered the Gilman company either to destroy or repair the dam. To comply with a DEP-mandate that it supply the agency with a study on how best to repair the dam, the company has drained the lake.

State ownership, Warner contends, would mean turning the area into some form of state park.

But Clark, who favors state ownership, said he doubted the area would become a park,

noting the property around the lake is owned by the surrounding residents.

The last option would be to have the Gilman company follow through with its stated intention to destroy the dam.

Of the three options, George Mitchell, president of the Lake Association, said he prefers having the board take over the dam. But he said there is a fourth option: having the Gilmans, the state and the Lake Association work to get the dam repaired and leave the water level up.

*Meredon Record Journal.*

*Feb. 7, 1985*

## Town looking to save lake

LEBANON (UPI) — If residents of one of the smallest towns in the state can save Lake Williams, officials say the agreement will have an impact on the preservation of lakes throughout Connecticut.

The owners of the dam that creates the 247-acre lake want to let it go dry, although residents use the lake for recreation.

Lawrence Gilman of Gilman Bros. Co., which owns the dam, proposed last month draining the lake as an alternative to repairing the dam.

The Flood and Erosion Control Board, established to save the lake, met with Gilman to discuss alternatives.

Benjamin Warner, the director of water resources for the Department of Environmental Protection, said the next step is for the board to come up with a proposal for raising the \$200,000 needed to repair the dam.

The lake has been drained several times over its 120-year history so the dam could be studied.

The DEP has recommended town officials consider a special taxing district. Warner said the board could impose the tax on residents if it decides everyone in town benefits from the popular recreation spot.

"The key to solving the problem is somebody's got to come up with the money to do this," Warner said.

Warner said DEP officials are working hard with Gilman and town officials because they think the situation in Lebanon could be the first of many similar cases.

Of approximately 4,000 dams in the state, about 1,000 are privately owned.

"If we're successful (in Lebanon), it means we can use this then as a very strong lever to make other disagreeing constituents get together and resolve something," Warner said. "This is a landmark case. It's something we might want to rely on in the future."

The DEP has concluded a hearing on Gilman's suggestion to leave the dam's floodgates open. The DEP hearing officer must submit his decision to the commissioner for final approval.

But Warner said if an agreement to save the lake is reached, he could ask the commissioner to withhold a final decision until a formal plan is presented.

2/9/85  
STANDARD

## Selectmen Reject Refund Request From Lake Residents

By Greg Barden  
LEBANON - A request from the Lake Williams Beach Association for more than \$352,000 in property tax refunds was turned down by the Board of Selectmen Monday night.

Association President George Mitchell wrote to the town tax collector, claiming property values around the lake had devaluated in the past six years because the owners of the lake began draining it periodically.

First Selectman Edward Clark said Tuesday the board rejected the refund request on the advice of Town Counsel P. Michael Lahan. In a letter to the board, Lahan said that property owners did not follow the proper procedure for persons dissatisfied with the real estate assessments. The attorney said the property owners should have appealed their annual assessments to the Board of Tax Review. While Lahan did state there were special

exceptions to that rule, none of those circumstances existed.

Property assessments of the 120 families at the lake total \$609,000, and the association proposed they be lowered to \$256,300 based on property values assessed at other lakes in town.

In other business, selectmen authorized an engineering survey be done on the Camp Moween Road bridge. The town

has been asked by the State Department of Transportation to repair the bridge after a recent inspection revealed a deterioration of bridge sections and a loosening of support cables.

The board also appointed Ron LeForge to the Inland/Wetlands Commission and Rose Miller to the Cemetery Committee to fill unexpired terms.