

Christopher A. Duhamel, President; Mary E. Scialabba, Vice President
 Councilors Dylan J. LaPietra, Michael T. Niemeyer, Alexandra L. Healy,
 Rose Van Dover, William J. Aiello
 Shawn Lacey, Town Manager; Law Firm of William J. Conley, Jr., Town Solicitor
 Mary L. LeBlanc, MMC, Town Clerk; Patrick J. Falcone, Town Sergeant

Livestream: <https://westerlyri.gov/TownCouncilLive>

Live Broadcast: PEG RI-TV Channel 18 (Cox) or Channel 29 (Verizon)

Written public comment can be submitted prior to the meeting by emailing mleblanc@westerlyri.gov.
 All comments must be received no later than 10:00 a.m. on the day of the meeting
 in order to be entered into the record of the meeting.

1. CALL TO ORDER

INVOCATION – Councilor Scialabba

SALUTE TO THE FLAG – Council President Duhamel

2. RECOGNITIONS, AWARDS & MEMORIALS

- a. Condolence – George Kent
- b. Appreciation – Veterans of the Korean War
- c. Proclamation – Purple Heart Day, August 7, 2025 and Purple Heart Town, Westerly

3. PRESENTATIONS

- a. Lead Service Line Replacement Opportunity – Community Infrastructure Partners
 - 1. EquiFlow Lead-Free Program
- b. Spring Avenue Extension Coastal Resources Management Council (CRMC)
Application – Evidence to be presented by Michael Rubin, Esq. on behalf of
 Caroline Contrata

4. CITIZENS COMMENTS

Sign-Up Sheets will be available at the Council Meeting for any citizens wishing to be heard. Citizens who do not sign up to speak will have an opportunity to be heard following the individuals listed on the sign-up sheet.

When addressing the Council, please state your name and address; please conduct yourself in an orderly and respectful fashion. Citizens will have up to five (5) minutes and one opportunity to speak. The comments of citizens accessing this portion of our meeting are neither adopted nor endorsed by this body but heard as

requested. Comments shall be limited to agenda items only. If the matter is scheduled for a public hearing, the comments shall be deferred to that agenda item.

COUNCILORS' RESPONSE (Councilors may have up to five (5) minutes to respond to Citizens' Comments, should not engage in discussions between Councilors, shall maintain decorum, and shall refrain from personal attacks and disparaging remarks. A level of decorum is the expected standard.)

5. **CONSENT CALENDAR** (all items are considered routine and can be approved by one motion; however, if discussion is necessary on any item, it can be moved to "New Business")
 - a. Approval of Minutes
Regular – 6/2/25 (amended), 6/16/25, 7/7/25
 - b. Fiscal Matters
 1. Resolution Authorizing Payment to The Law Office of Cameron & Mittleman LLP (Litigation Matters - \$1,170.87)
 - c. Resignations and Appointments
 1. Appointments:
 - a. Westerly 250th Commission for the Semi Quincentennial – Liaison Appointment
 - b. Review of Liaison Appointments – Discussion and Possible Action
6. **PUBLIC HEARINGS** (Adv. on 7/14/25 for this time)
 - a. Proposed Ordinance – "An Ordinance in Amendment of Article IX, Regulations, of Chapter 206 of the Westerly Code of Ordinances Entitled 'Sewers'" (Amend §206-55. General discharge prohibitions and §206-58. Specific pollutant limitations) – Discussion and Possible Action
7. **UNFINISHED BUSINESS**
 - a. Proposed Ordinance – "An Ordinance in Amendment of Part II of the Town of Westerly Code of Ordinances Entitled, "General Legislation" Chapter 145 Entitled, "Housing Standards" Section 25 Entitled "Residential Zone Short-Term Rental Registration" " (Amend §145-25. Residential Zone Short-Term Rental Registration) – Discussion and Possible Action
(Refer Possible Amendments to the Economic Development Commission)
8. **NEW BUSINESS**
 - a. Legislation Relating to Criminal Offenses – Rhode Island Assault Weapons Ban Act of 2025 – Discussion and Possible Action
 1. Senate Bill No. 0359, Introduced 2/21/2025
 2. Senate Bill No. 0359 Sub A, Introduced 6/17/2025 – Signed by Governor

- b. Creating a Possible Marketing Message Promoting Westerly, RI – Refer to Economic Development Commission – Discussion and Possible Action

9. COMMUNICATIONS & REPORTS

(Backup materials for the following reports can be viewed on the Town of Westerly website at www.westerlyri.gov. Written communication is not considered an agenda item.)

- a. Liaison Reports
- b. Town Council – 7/21/25
- c. Town Manager – 7/21/25
- d. Town Solicitor – 7/21/25
- e. Town Clerk
- f. Agenda Referrals and Backlog Agenda (*Items to be assigned to future agendas*)
- g. Requests of Town Manager by Councilors
- h. Requests of Town Solicitor by Councilors

10. CITIZENS COMMENTS

When addressing the Council, please state your name and address; please conduct yourself in an orderly and respectful fashion. Citizens will have up to five (5) minutes and one opportunity to speak. The comments of citizens accessing this portion of our meeting are neither adopted nor endorsed by this body but heard as requested. Comments shall be open to agenda items and any Town Government matter over which the Council has supervision, control, jurisdiction, or advisory power. Other matters may be heard by a majority vote of the Council.

COUNCILORS' RESPONSE (Councilors may have up to five (5) minutes to respond to Citizens' Comments, should not engage in discussions between Councilors, shall maintain decorum, and shall refrain from personal attacks and disparaging remarks. A level of decorum is the expected standard.)

11. ADJOURNMENT

42-46-6(b) "... Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.

INDIVIDUALS REQUESTING INTERPRETER SERVICES FOR THE HEARING IMPAIRED MUST CALL 348-2505 IN ADVANCE OF THE HEARING DATE.

The Town Council agenda and supporting documents can be accessed on the Town of Westerly website at www.westerlyri.gov.

POSITIONS AVAILABLE ON THE FOLLOWING BOARDS:

(Applications can be obtained on the Town of Westerly's website www.westerlyri.gov and submitted to the Office of Town Clerk)

MULTICULTURAL COMMITTEE (ONE FULL MEMBER)

ZONING BOARD (ONE FULL MEMBER)

ARCHITECTURAL REVIEW BOARD (ONE FULL MEMBER)

BOARD OF FINANCE (ONE FULL MEMBER)

WOOD-PAWCATUCK WILD AND SCENIC RIVERS STEWARDSHIP COUNCIL (ONE ALTERNATE MEMBER)

PERMANENT HOUSING COMMITTEE (FIVE FULL MEMBERS)

TOWN COUNCIL MEETING

JULY 21, 2025

TOWN COUNCIL REPORT

1. From Anthony Palazzolo, Jr., Esq. – re: Email 1 of 2 requesting CRMC designate Noyes Neck Road in Westerly as a CRMC PROW
 - a. Request that the RICRMC Designate Noyes Neck Road as a State PROW
 - b. 1877 (Certified) Map and Profile of PROPOSED HIGHWAY (Noyes Neck Road)
 - c. 1877 Deed to Town of Westerly (strip of land for highway bounded southerly by the Ocean) (Bk 24 Pg 389-90)
 - d. 1877 Map and Profile of PROPOSED HIGHWAY (Noyes Neck Road)
 - e. 1877 Town Council Orders Noyes Neck Road Deed Be Received Approved and Recorded Vol 7 Pg 498
 - f. 1877 Town Meeting - Noyes Neck Road Shall Be Laid Out + Built To The Sea - Vol 6 Pg 246-49

2. From Anthony Palazzolo, Jr., Esq. – re: Email 2 of 2 requesting CRMC designate Noyes Neck Road in Westerly as a CRMC PROW
 - a. 1884 B&W Recorded Deed and Map (referencing highway to the sea) (Bk 25 Pg 511-14)
 - b. 1884 Recorded Map (showing highway to the sea) (Bk 25 Pg 514)
 - c. 1915 Recorded Plat (Drawn 1886) Showing HIGHWAY to the ATLANTIC OCEAN (Noyes Neck Rd) (Plat Bk 2 Pg 70)
 - d. 1939 Recorded Deed Referencing Highway (Noyes Neck Rd) Leading to the Atlantic Ocean (Bk 58 Pg 519)
 - e. 1947 Recorded Plat Showing Noyes Beach Rd to the ATLANTIC OCEAN line of 1906 (Plat Bk 7 Pg 17)
 - f. 2024 -11-5 Westerly Charter - Amended - No Power to Abandon ROWs
 - g. 2025 Town of Westerly Official Private Road List
 - h. Circa 1900 Recorded Plat Showing HIGHWAY to the ATLANTIC OCEAN (Noyes Neck Rd) (Plat Bk 3 Pg 18)
 - i. Circa 1911 Recorded Plat Showing HIGHWAY to the ATLANTIC OCEAN (Noyes Neck Rd) (Plat Bk 6 Pg 73)
 - j. Excerpt of 10-28-2019 WHMP - Shoreline Access at Site #15
 - k. Excerpt of Westerly 2020-2040 Comp Plan - Site #15 is a Town of Westerly PROW
 - l. Noyes Neck Footpaths to the Shore
 - m. O'REILLY v. Town of Gloucester, 621 A2d 697 - RI Supreme Court 1993
 - n. Town Council Voted (Vol 16 Pg 344) Old Highway to Noyes Beach Shall Be Called Noyes Neck Road
 - o. Westerly GIS Tax Data for Land at Southern End of Noyes Neck Rd
 - p. Westerly's 2013 Road Inventory - Noyes Neck Rd is a Town Road

TOWN COUNCIL MEETING

JULY 21, 2025

TOWN COUNCIL REPORT

3. From Harbor Management Commission – re: Breach Drive
 - a. Recommendation of the Westerly Harbor Management Commission
 - b. Proposed Resolution as a State ROW
 - c. 1048 DECREE JUNE 14 1961
 - d. 1049 DECREE JUNE 14 1961
 - e. 1925 Recorded Breach Dr Plat (Bk 6 pg 70) Atlantic Ave to Pond references 1938 Breach Dr Deed
 - f. 1925 Recorded Breach Dr Road Profile - Atlantic Ave To Pond
 - g. 1938 Westerly's Breach Dr Deed references 1925 Breach Dr Plat- Atlantic Ave To Pond - B58 P178-79
 - h. 1940 PROW REPORT (within 1049 RESPONDENT'S ANSWER) designates Beach (sic Breach) Drive ROW
 - i. 1940 ROW REPORT From Lawsuits
 - j. 1961 Westerly TC Minutes Again Accepting All 1909 Atlantic Ave Plat- Indenture ROWs
 - k. 1970's Westerly Zoning Map of Breach Dr
 - l. 2013 Westerly Street Inventory - Breach Drive
 - m. 2016 Kennedy-Parker PROW Map
 - n. 2024 -11-5 Westerly Charter - Amended - No Power to Abandon ROWs
 - o. 2025 Tax Assessor's Report - Breach Dr. Not Taxed - Maintained by Westerly
 - p. 2025 Town of Westerly Official Private Road List - No Breach Drive
 - q. Abandonment of Designated ROWS - Formal Abandonment Required
 - r. Breach Dr - Atlantic Ave To Pond - OLD WESTERLY TAX MAP 4
 - s. CRMC ROW Coastal Briefing - NO ABANDONMENTS
 - t. In and About Westerly - Profile of the Life of Louis Rossi
 - u. O'REILLY v. Town of Glocester, 621 A2d 697 - RI Supreme Court 1993
 - v. REQUEST THAT THE CRMC DESIGNATE BREACH DRIVE AS A CRMC PROW
 - w. Westerly Tax Assessor's Map Data - Breach Drive Terminates At Winnapaug Pond
 - x. ZOOMED EXCERPT - Pond-Breachway End - Certified Breach Dr Road Profile

4. From Harbor Management Commission – re: WESTERLY MBL 167-010
 - a. Recommendation of the Westerly Harbor Management Commission
 - b. Proposed Resolution as a State ROW
 - c. 1909 Atlantic Avenue Indenture - Book 39 Page 419-20
 - d. 1909 Atlantic Avenue Plat - Book 2 Pages 13-15
 - e. 1930 Westerly Sun Report on 1909 Atlantic Avenue Plat ROWs
 - f. 1933 Westerly TC Minutes Ordering All Atlantic Ave ROWs Be marked By Signs

TOWN COUNCIL MEETING

JULY 21, 2025

TOWN COUNCIL REPORT

- g. 1940 ROW REPORT From Lawsuits w-News Reports
 - h. 1960 (Oct 4) Newspaper Article re RI ROWC
 - i. 1961 - 1048 DECREE JUNE 14 1961
 - j. 1961 - 1049 DECREE JUNE 14 1961
 - k. 1961 - 1049 RESPONDENT'S ANSWER
 - l. 1961 ProJo on Walter and Horner Atlantic Avenue Lawsuits
 - m. 1961 Westerly TC Minutes Again Accepting All 1909 Atlantic Ave Plat-
Indenture ROWs
 - n. 2016 Kennedy-Parker PROW Map
 - o. CURRENT DEEDS FOR NINTH-SUBJECT PROW ABUTTERS - 433 AND
435 ATLANTIC AVENUE
 - p. Kilmartin v. Barbuto 158 A3d 735, 737 (2017) Excerpts
 - q. Misc Deeds Saying 1909 Plat Lot 58 abuts 12 Foot ROW
 - r. Ninth-Subject PROW Atlantic Avenue - Westerly GIS Screen Shots of Lot 167-
10
 - s. Ninth-Subject PROW Atlantic Avenue Google Street View
 - t. Ninth-Subject PROW Atlantic Avenue Screen Shots of RI State Aerials 2003 -
2024 With Cross Walk
 - u. OLD WESTERLY TAX MAPS 4 – 7
 - v. REQUEST THAT THE CRMC DESIGNATE THE WESTERLY ROW MBL #
167-010 AS A CRMC PROW
 - w. RI CRMC Internal Records 1 Identifying Ninth-Subject PROW
 - x. RI CRMC Internal Records 2 Identifying Ninth-Subject PROW
5. From Rhode Island Energy – re: Narragansett Electric Company d/b/a Rhode Island
Energy – Proposed 2025 Vegetation Management Standards and Practices –
Division Docket No. D-25-15
6. From Stonington Department of Planning – re: Public Hearing – Permit for site
preparation and construction of public recreational area; Property located at 29
Noyes Ave, Pawcatuck, CT
7. From RI State Traffic Commission to Rep. Samuel Azzinaro – re: Request for
installation of dedicated right-turn only land on Rte. 1 northbound at intersection
with Sandy Hill Rd
8. From Wood-Pawcatuck Wild and Scenic Rivers Program – re: “*The Dragonfly
Express: Summer 2025*” Newsletter
9. From Timothy P. Lynch, Esq. – re: Notice of Claim – Bryan S. Bailey
(distributed under separate cover)

TOWN COUNCIL MEETING

JULY 21, 2025

TOWN COUNCIL REPORT

10. From April Dinwoodie, former Chair, Westerly Multicultural Committee – re: Re-Appointment interview
11. From Kari Baum, Esq – re: Notice of Claim – Carmelia Occhialini
(distributed under separate cover)

TOWN COUNCIL MEETING

July 21, 2025



TOWN MANAGER'S REPORT

1. Response to Councilor Alexandra Healy's Inquiry Regarding Immigration
 - a.) Town Manager's Response
 - b.) Town Solicitor's Response
2. Correspondence: from Tax Assessor Patti Howell regarding Fort Rd Properties
Dated: July 3, 2025
3. Correspondence: from State of Rhode Island State Traffic Commission addressed to Representative Azzinaro regarding the Installation of a Right-Turn Only Lane on Post Rd at its intersection with Sandy Hill Road
Dated: June 30, 2025
4. Letter of Thanks: from Westerly Ambulance Corps regarding allocation of Federal Opioid Funds in the amount of \$95,373.44 for equipment
Dated: July 10, 2025
5. Correspondence: from Law Offices of Thomas J. McAndrew & Associates regarding the Niantic Avenue Sand Trail
Dated: July 9, 2025
6. Letter of Thanks: from the Jonnycake Center regarding donation of \$90.00
Dated: July 10, 2025
7. Letter of Thanks: from Chief of Police of North Providence Police Department regarding ACO Smith.
Dated: June 27, 2025
8. Correspondence: from State of Rhode Island State Traffic Commission address to Robert Rocchio, P.E., Chief Engineer of Infrastructure (RIDOT) regarding the intersection of Granite Street/Franklin Street/East Avenue.
Dated: July 14, 2025

TOWN COUNCIL MEETING

TOWN SOLICITOR'S REPORT

JULY 21, 2025

1. Memorandum From Town Solicitor Conley, dated July 16, 2025 – re: Eminent Domain Powers