

**MINUTES OF THE COMMON COUNCIL
REGULAR MEETING
SEPTEMBER 16, 2025**

A meeting of the Common Council of the City of Oneida, NY was held on the sixteenth day of September 2025 at 6:30 p.m. at the Common Council Chambers, 109 N. Main, Oneida, NY 13421.

The meeting was called to order by Councilor Tom Simchik.

<u>Attendees</u>	Present	Absent	Arrived Late
Mayor Rossi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
Kyle Lovell, CM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Szczerba	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Laureti	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> _____
Councilor Hitchings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Winchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Pagano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Councilor Simchik	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Supervisors

Matt Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary Cavanagh	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brandee Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michelle Kinville	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Also Present

City Attorney Nadine Bell	<input checked="" type="checkbox"/>	Public Safety Comm. Dave Jones	<input type="checkbox"/>
City Clerk Sandy LaPera	<input checked="" type="checkbox"/>	Water Super. Drew Company	<input checked="" type="checkbox"/>
Fire Chief Scott Jones	<input checked="" type="checkbox"/>	Planning Director Vonderweidt	<input checked="" type="checkbox"/>
Police Chief Steve Lowell	<input checked="" type="checkbox"/>		

Call to Order/Pledge of Allegiance/Roll Call

PUBLIC HEARING: Local Law amending Section 190-26.2 E of Chapter 190 of the Oneida City Code to reduce the maximum height of wind energy systems and require blasting determination through geotechnical study

No Appearances

CLOSE PUBLIC HEARING

RESOLUTION 25-165

Moved by Councilor Hitchings
Seconded by Councilor Szczerba

RESOLVED, that the Public Hearing on a Local Law amending Section 190-26.2 E of Chapter 190 of the Oneida City Code to reduce the maximum height of wind energy systems and require blasting determination through geotechnical study be hereby closed at 6:31pm.

Ayes: 5

Nays: 0

Absent: 2 (Rossi/Laureti)

MOTION CARRIED

PROCLAMATION: Childhood Cancer Awareness Month

Proclamation

City of Oneida - Office of the Mayor

WHEREAS, September is nationally recognized as Childhood Cancer Awareness Month, a time to renew our commitment to curing childhood cancer and supporting affected children and families; and

WHEREAS, the City of Oneida honors the courage and strength of children battling cancer, their families, survivors, and the communities that support them; and

WHEREAS, we pay tribute to those currently fighting cancer, those we've lost, and those working tirelessly toward a cure — including caregivers, clinicians, and researchers; and

WHEREAS, International Childhood Cancer Day, observed annually on February 15th and commemorated throughout September, raises awareness and expresses global support for children with cancer, their families, and survivors; and

WHEREAS, childhood cancer affects more than 15,000 young people each year in the U.S., with an average age at diagnosis of just six years old, and remains the leading cause of death by disease in children despite an 85% five-year survival rate;

I, **Tom Simchik, Councilor** of the City of Oneida do hereby proclaim the month of September as Childhood Cancer Awareness Month and September 16th as

Childhood Cancer Awareness Day

I urge all citizens to support children with cancer, honor those we've lost, celebrate survivors, and recognize the work of those seeking a cure. Together, let's raise awareness and hope for a future without childhood cancer. **Go Gold for Childhood Cancer!**

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City of Oneida on this 16th day of September 2025.

Councilor Tom Simchik

PUBLIC COMMENT

GEORGE WINNE-LENOX AVE.

Resident George Winne expressed concern about 314 Lenox Ave., which is near his residence. He claimed that this property has squatters, vandalism, drug activity, and health hazards such as waste dumping. He stated he spent \$2,400 on a fence, in addition to other expenses incurred due to property damage and theft from squatters coming on his property and noted the new owner has not followed through on a promise to remove occupants within a two-week time period after numerous complaints from himself and other neighbors. Mr. Winne said he had spoken with the City Manager and Jay Ackerman, who indicated his hands were tied, and called for City action — possibly condemnation — to secure the property and protect neighborhood safety.

Councilor Szczerba asked Police Chief Lowell if the property was on their radar. Chief Lowell confirmed they are aware of the issues but must avoid violating rights and search warrant requirements. Councilor Szczerba emphasized his question was not meant as criticism but to confirm they were aware of this issue. Chief Lowell noted that squatter problems are a recurring topic at Codes meetings and that several houses in the area are being monitored.

City Manager Lovell reported that an ordered remedy was issued last week due to the house having no water. The owner has 30 days to respond before an order to vacate can be issued, followed by a 10-day intent-to-vacate period. He noted the process had started and that every available tool is being used to address the situation; however, the process can take time.

Mr. Winne also questioned the status of a tree issue involving branches hanging over his Spectrum wire. City Manager Lovell responded that they have a list of trees that the DPW is working on, and that he would check to see if Mr. Winne's location is on the list.

ROBIN BIENKOWSKI-LENOX AVE.

Resident Robin Bienkowski followed up on Mr. Winne's comments, noting that she and her neighbors met with the police and the City Manager to form a neighborhood watch. The group held a neighborhood meeting, received tips from the police, and implemented 24/7 communication to stay proactive. Ms. Bienkowski stated this effort has helped quiet the neighborhood but emphasized that residents should not have to take on this level of responsibility themselves.

She noted that the increased police patrols following the meeting have made a significant difference, but police said such patrols cannot be sustained due to limited staffing. Speaking on behalf of her neighborhood, Ms. Bienkowski urged the City to consider raising the tax cap to hire more officers and staff so that public safety issues can be handled by city personnel rather than relying so heavily on residents. She added that the current situation is exhausting and stressful, with concerns about drug activity, trespassing, and public health hazards. Ms. Bienkowski called for more officers and officials to be available to address these problems promptly.

OLD BUSINESS – Sidewalks

Councilor Szczerba asked for an update on sidewalk repairs, including the 50/50 program. City Manager Lovell reported that the program is moving forward, and a priority list is being prepared. Councilor Simchik added that the Monthly Report from the City Engineer shows contract execution scheduled for September, with work beginning soon thereafter.

REPORTS:

- Mayor's Report None

SUPERVISOR'S REPORT – Supervisor Matt Roberts

Supervisor Matt Roberts, serving as Chair of the County Finance Committee, reported that County budget hearings are being held this week. He noted the process involves reviewing approximately 230 pages of budgets and is both lengthy and mentally demanding. He advised it is too early to determine the tax rate or any changes at this time and emphasized that the County, similar to the City, is confronting significant fiscal pressures.

Supervisor Roberts highlighted that the biggest current issue is EMS services, as many local ambulance providers have folded and the County is taking over coverage. He noted this is a nationwide problem, not unique to Madison County, and will create ongoing costs. He reported that sales tax revenues remain strong, up over 7% year-over-year, but because Madison County shares 45–47% of its sales tax with towns and villages, only about 3% of the increase remains with the County to offset rising costs.

He also reported on the New York State Association of Counties (NYSAC) annual meeting in Niagara Falls, which marked NYSAC's 100th year. Madison County had one of the largest delegations present. Supervisor Roberts serves on the Climate Committee, and many Madison County representatives also serve on the Ag Committee. He discussed the state's Climate Leadership and Community Protection Act (CLCPA), which has become one of the top issues for counties. He expressed concern about the loss of home rule and the impact of large-scale solar and wind projects on farmland, citing Erie County's loss of 8,500 acres of prime agricultural land to solar development.

He explained that Madison County is working to resist similar large-scale projects and is supporting a proposed law that would allow counties to opt out of the CLCPA. He also noted a major conflict between the need to grow milk production to meet Chobani's demand for 6 billion pounds of milk per year and the simultaneous conversion of farmland into solar and wind installations.

Supervisor Roberts further reported that a proposed wind project could include 800-foot turbines, a 20-acre battery farm, and removal of 140 acres of trees, which would cover 20% of Fenner's land. He warned that power generated from such projects is routed to New York City, bypassing local benefit, and that once a project exceeds 20 megawatts, local communities lose home rule.

He added that a recently approved 1,600-acre solar farm in Fenner will use mostly prime agricultural soils and noted that proposed legislation could cap farms at 700 head of livestock, which would further strain local agriculture. He stressed that these issues are economically critical for Madison County, that local supervisors are actively advocating in Albany to slow or stop harmful projects, and that even Governor Hochul has acknowledged CLCPA goals may be unachievable.

Supervisor Roberts responded to a question from Councilor Winchell regarding the wind farm in Madison, stating he was not certain whether it would be dismantled, with turbines removed and the land restored to farmland.

Supervisor Cavanagh interjected that she did not believe the turbines were being replaced and said she had spoken with the chairman who will be present for the process. She reported that the chairman advised the plan was initially to take the turbines elsewhere, but Madison County's flow control requires they be brought to the County; however, an agreement was signed allowing them to take the materials elsewhere while still ensuring Madison County receives the tipping fee.

City Attorney Bell added that, to her knowledge, the land is not reverting back to agricultural use but must simply be returned to grade. She stated that only the top three to four feet of concrete beneath the turbines must be removed, with the remaining base allowed to stay in place.

SUPERVISOR'S REPORT – Supervisor Mary Cavanagh

Supervisor Mary Cavanagh reported on her attendance at the recent NYSAC conference, where she serves on the standing committee of Intergovernmental Relations, General Government, and Public Employee Relations.

She shared that the committee previously proposed increasing the salary cap for retired public employees seeking public employment from \$35,000 to \$55,000, but that proposal was voted down. The committee is now advocating to raise the cap to \$50,000, which she described as a modest and reasonable request given that many employees retire young and their expertise is needed back in the workforce.

Supervisor Cavanagh also spoke about the New York State Civil Service HELPS program, expressing appreciation for the program while calling for its continuation beyond its scheduled June 2026 sunset date and for further expansion. The program waives most civil service examinations, allowing for quicker hiring. She noted that the Civil Service Department is working to improve hiring processes while complying with the requirements of the New York State Constitution.

She further reported that the committee is urging the governor to fund the SUNY ReConnect program with state resources so that the county does not bear the cost. This program provides free community college tuition for individuals up to age 55 for programs such as nursing, IT, and early childhood education.

Lastly, Supervisor Cavanagh reported on the county youth board meeting held earlier that afternoon, noting that due to time constraints and limited participation, currently funded youth programs will be extended through next year. She said the next round of RFPs for new youth programs will open next year, likely in August or September, and encouraged departments to keep that in mind for future planning.

CITY MANAGER'S REPORT

City Manager Kyle Lovell reported that he and Lee Ann Wells are currently working through the City's budget and are "neck deep" in the process. He stated that budget hearings are expected soon and that a tentative schedule will be shared next week to coordinate with council members' availability.

He provided updates on several Downtown Revitalization Initiative (DRI) projects, noting that the AYSO site visit took place Monday and the Vets Field site visit was completed earlier today. The projects are now moving into the 30% design phase, and public comments received by email have been forwarded to the engineering teams for consideration. Lovell said that discussions about the actual drawings should begin within the next couple of months.

The City Manager gave special recognition to Assistant City Engineer Tom O'Herien, who retired today after 30 years of service to the City. He called O'Herien's career "phenomenal" and encouraged everyone to congratulate him if they see him.

City Manager Lovell then introduced two new members of the City's senior management team:

Drew Company, Water Superintendent

Drew Company introduced himself, noting that he previously worked with Nelson Associates and supported the City's public water system following the retirement of former Water Superintendent Art Smolinski. He is a civil engineer with 10 years of private sector experience, as well as 14 years of service in the National Guard where he currently serves as a captain. Company stated that his priorities are to restore and improve aging water infrastructure, keep water affordable and safe, and set up next year's projects and capital improvements. He invited council members to tour the plant and attend Water Board meetings, where he discusses projects and initiatives in detail.

Steve Vonderweidt, Director of Planning and Development

Steve Vonderweidt introduced himself and shared that he brings over 20 years of experience in operations, finance, and community development, including work in long-range planning, project management, and policy development. He said he is excited to contribute to the City's downtown revitalization efforts, comprehensive plan updates, and other quality-of-life initiatives. Vonderweidt emphasized his commitment to serving the City with integrity, collaboration, and a focus on results.

APPROVAL OF MINUTES

Moved by Councilor Hitchings
Seconded by Councilor Pagano

RESOLVED, that the minutes of the regular meeting of September 2, 2025, are hereby approved as presented.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)

MOTION CARRIED

APPROVAL OF WARRANT

Moved by Councilor Hitchings
Seconded by Councilor Winchell

RESOLVED, that Warrant No. 18, checks and ACH payments in the amount of \$2,528,693.63 as audited by the Voucher Committee are hereby approved for payment in the usual manner at the discretion of the Comptroller or a third party duly retained by the City of Oneida to perform such services.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)
MOTION CARRIED

MONTHLY REPORTS

RESOLUTION 25-166

Moved by Councilor Hitchings
Seconded by Councilor Szczerba

RESOLVED, that Monthly Reports from the City Clerk, City Engineer, Codes Department, Fire Department, Parks and Recreation Department, and Police Department are hereby received and placed on file.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)
MOTION CARRIED

ADOPT A LOCAL LAW AMENDING SECTION 190-26.2 E OF CHAPTER 190 OF THE ONEIDA CITY CODE TO REDUCE THE MAXIMUM HEIGHT OF WIND ENERGY SYSTEMS AND REQUIRE BLASTING DETERMINATION THROUGH GEOTECHNICAL STUDY

RESOLUTION 25-167

Moved by Councilor Hitchings
Seconded by Councilor Pagano

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled "A Local Law Amending Section 190-26.2(E) of Chapter 190, titled "Zoning," of the Oneida City

Code,” was presented and introduced at a regular meeting of the Common Council of the City of Oneida held on August 5, 2025; and

WHEREAS, a public hearing was held on such proposed local law on August 19, 2025 and by the Common Council of the City of Oneida and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Common Council of the City of Oneida in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the enactment of the Proposed Local Law has previously been determined to be an unlisted action for purposes of SEQRA and the Common Council has determined that a short environmental assessment form (EAF) was required in connection with this matter; and

WHEREAS, said EAF has been prepared and has been reviewed by the Common Council and the Common Council has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria; and

WHEREAS, it is in the public interest to enact said Proposed Local Law.

NOW, THEREFORE, it is

RESOLVED, that the Common Council has determined this action shall have no significant adverse impact on the environment; that, accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

RESOLVED, that the Common Council of the City of Oneida, Madison County, New York, does hereby enact a Local Law as follows:

**A LOCAL LAW AMENDING SECTION 190-26.2(E) OF CHAPTER 190, TITLED “ZONING,”
OF THE ONEIDA CITY CODE**

Be it enacted by the Common Council of the City of Oneida, as follows:

Section 1.

So that Section 190-26.2(E)(1)(a)(9) of the Oneida City Code shall be amended to read, in its entirety, as follows:

- “[9] A geotechnical report shall be furnished which shall, at a minimum, include the following information:
- [a] Soil engineering and engineering geologic characteristics of the site based on soil-site sampling and testing.

- [b] Foundation design criteria for all proposed structures.
- [c] Slope stability analysis.
- [d] Grading criteria for ground preparation, cuts, and fills, and soil compaction.
- [e] Blasting analysis evaluating site conditions, geological formations, proximity to structures, and environmental sensitivities.”

Section 2.

So that Section 190-26.2(E)(2)(b) of the Oneida City Code shall be amended to read, in its entirety, as follows:

“b. Maximum overall height. The maximum overall height of any wind energy conversion system shall be 200 feet. The maximum height shall be measured from the ground elevation to the top of the tip of the blade in the vertical position.”

Section 3. Validity and severability.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 4. Effective date.

Mayor Rossi	Absent
Councilor Szczerba	YES
Councilor Laureti	Absent
Councilor Hitchings	YES
Councilor Winchell	YES
Councilor Pagano	YES
Councilor Simchick	YES

MOTION CARRIED

DISCUSSION:

Discussion was held on reducing the maximum allowable turbine height from 400 feet to 200 feet to address resident concerns about oversized turbines. City Attorney Bell noted the change and explained that the addition of blasting report requirements and studies (added at the request of Chris Henry, former Planning Director and current consultant) is intended to address neighborhood concerns and prepare the City to handle site-specific geological issues.

BUDGET TRANSFERS/AMENDMENTS

RESOLUTION 25-168

Moved by Councilor Hitchings
 Seconded by Councilor Pagano

RESOLVED, to approve the budget transfers and amendments as outlined by the Comptroller or a third party duly retained by the City of Oneida to perform such services.

	<u>To</u>	<u>From</u>
2025 Budget Adjustments		
\$ 1,200.00	001.3310.0300.0000 Traffic Materials	001.0001.0912.0000 General Fund Balance
To allocate funds for signage approved by Traffic Safety Board		
\$ 4,688.43	001.5132.0300.0000 DPW Maintenance -Repair	001.0022.2680.0000 Insurance Recovery Revenue
To re-allocate funds to repair the vehicle with the insurance proceeds		
\$ 867.83	001.5132.0300.0000 DPW Maintenance -Repair	001.0001.0912.0000 General Fund Balance
To allocate funds for the deductible portion of the insurance funds to repair the vehicle		
\$ 12,300.00	003.8110.0441.0000 Sewer Liability Insurance	003.0003.0912.0000 Sewer Fund Balance
To allocate funds for the 2025-2026 insurance renewal package		
\$ 38,000.00	001.1910.0400.0000 General Liability Insurance	001.0001.0912.0000 General Fund Balance
To allocate funds for the 2025-2026 insurance renewal package		
\$ 30,000.00	003.8110.0401.0000 Sewer Utilities	003.0003.0912.0000 Sewer Fund Balance
To allocate funds for the remainder of 2025 utility expenses		
\$ 5,375.00	001.8020.0400.0000 Planning Contracts	001.8020.0101.000 Planning Salaries
To re-allocate funds for the approved contract services to the Planning Dept.		
\$ 75,000.00	001.3120.0102.0000 Police Overtime	001.0001.0912.0000 General Fund Balance
To allocate funds for anticipated overtime expenses through year end 2025		
\$ 5,000.00	001.3120.0200.0000 Police Equipment	001.0001.0912.0000 General Fund Balance
To allocate funds to purchase woman's lockers for the female Police Officers on staff		

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)
MOTION CARRIED

APPROVE WATER BOARD RECOMMENDATION-SARAH EVANS

RESOLUTION 25-169

Moved by Councilor Hitchings
Seconded by Councilor Szczerba

WHEREAS, the City Water Board has reviewed the account of homeowner Sarah Evans and determined that a penalty in the amount of Eleven Dollars and Seventy-Nine Cents (\$11.79) was assessed on her water bill; and

WHEREAS, documentation provided to the Water Board indicates the payment was timely initiated by the customer and that the bank's processing delay caused the late receipt; and

WHEREAS, the Water Board, upon review, recommends removal of said penalty as an administrative adjustment due to no fault of the customer; now, therefore, be it

RESOLVED, that the Common Council hereby approves the Water Board's recommendation and authorizes the removal of the \$11.79 penalty from the water account of Sarah Evans; and be it further

RESOLVED, that the Water Department is authorized and directed to adjust the account and records accordingly.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)
MOTION CARRIED

WAIVE RULE TO ACCEPT AGENDA ITEMS

RESOLUTION 25-170

Moved by Councilor Hitchings
Seconded by Councilor Pagano

RESOLVED, that per Resolution 08-180 adopted by the Common Council on August 19, 2008, the provisions of the procedure to accept agenda items is hereby waived.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)
MOTION CARRIED

RECEIVE/FILE-CIVIL SERVICE OPINION

RESOLUTION 25-171

Moved by Councilor Hitchings
Seconded by Councilor Pagano

WHEREAS, the Civil Service Board of the City of Oneida has issued an opinion concerning a potential breach of confidentiality pertaining to matters discussed during the Executive Session held on September 2, 2025; now, therefore, be it

RESOLVED, that the Common Council of the City of Oneida hereby receives the opinion of the Civil Service Board concerning the potential breach of confidentiality and places the same on file with the Office of the City Clerk; and be it further

RESOLVED, that receipt and filing of said opinion shall not be construed as an adoption, endorsement, or rejection of the findings or conclusions contained therein, but solely as acknowledgment of its inclusion in the City's official records.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)
MOTION CARRIED

DISCUSSION:

City Manager Lovell explained the resolution and answered a question from Councilor Szczerba regarding the potential cost, estimating it could be \$30,000–\$50,000. He stated, "So before we vote on this, I would like to say, because this is my information that got leaked, to the individual that did it on this council, this is the opportunity to have the integrity to say I made a mistake. Before we spend tens of thousands of taxpayers' dollars on yet another investigation, I would ask that the person who did it has the integrity to accept responsibility and take accountability for their actions. The Ethics Committee is here. I presented to them Monday what I felt was the breach. You're more than welcome to, if you'd like, come up and discuss."

The following comments were made by Brahim Zogby, Ethics Committee, in relation to the report presented (See Attachment A). The Ethics Committee recommended an investigation with an independent third party to uncover the leaks of confidential information from executive council meetings. This recommendation was submitted by the members of the Ethics Committee who have all signed. It was also noted that Mayor Rossi, a member of the committee, was not present at the meeting and his efforts on this matter were called into question. Brahim Zogby concluded by stating, "That's our report. Thank you."

**AUTHORIZATION TO HIRE AN INDEPENDENT, OUTSIDE FIRM-INVESTIGATION INTO POTENTIAL
BREACH OF CONFIDENTIALITY**

RESOLUTION 25-172

Moved by Councilor Hitchings
Seconded by Councilor Pagano

WHEREAS, the Common Council of the City of Oneida has received an opinion from the Civil Service Board regarding an alleged breach of confidentiality concerning matters discussed during the Executive Session held on September 2, 2025; and

WHEREAS, the Common Council finds it necessary to ensure the integrity of its executive sessions and to maintain public confidence in the confidentiality of such proceedings; now, therefore, be it

RESOLVED, that the Common Council of the City of Oneida hereby authorizes the engagement of an independent outside firm to conduct an impartial investigation into the allegations of a potential breach of confidentiality arising from the September 2, 2025, Executive Session; and be it further

RESOLVED, that the Mayor, in consultation with the City Attorney, is hereby directed to identify, engage, and contract with an appropriate independent firm to conduct said investigation, within available budgetary appropriations; and be it further

RESOLVED, that the findings and recommendations of the independent investigation shall be reported to the Common Council upon completion for any further action deemed necessary.

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)

MOTION CARRIED

DISCUSSION:

Several members discussed the importance of better communication and responsiveness among council members when scheduling meetings and following up on matters raised by the City Manager. Councilor Hitchings advised that she did respond; however, the City Manager had already added the September 2 Executive Session to the agenda, and she often discusses issues with the City Manager in person rather than through email. There was general agreement that council members should respond promptly to group communications and maintain confidentiality.

Further discussion was held regarding the proposed investigation into leaks of confidential executive session information. Councilor Szczerba questioned whether the Ethics Committee could conduct its own investigation. City Attorney Bell clarified that under General Municipal Law and the City's ethics code, the committee does not have investigative authority unless expressly granted by the Common Council.

Several council members expressed reluctance to spend taxpayer funds but emphasized the importance of accountability and protecting the confidentiality of executive session discussions. Councilors voiced concerns that sensitive information has been repeatedly disclosed publicly, including on social media, and that this has been an ongoing issue for nearly two years.

Councilor Pagano added that he was not present at that meeting and learned of what took place by seeing it on Facebook and not through any discussion with anyone else. He stated that he found it disheartening that, as a councilor, he would be learning of this information on social media.

Councilor Winchell stated that he first learned of certain executive session matters from resident Wayne Winchell, who said he had obtained information via FOIL. Councilor Winchell further communicated that he learned of this from Councilor Laureti but was not aware of anything else that had been leaked other than the Foiled information from Wayne Winchell. It was clarified during the discussion that the information shared publicly did not originate from FOIL responses but from discussions held in executive session, reinforcing the concern that information is being improperly shared.

City Manager Lovell stressed the need for integrity and accountability, urging anyone responsible for the disclosure to come forward voluntarily rather than forcing the City to proceed with a costly investigation that could involve subpoenas. He further noted that leaks of executive session information may carry legal consequences, including potential fines up to \$10,000 or removal from office.

NEW BUSINESS: None

EXECUTIVE SESSION: Discuss a personnel matter with no action taken

EXECUTIVE SESSION RESOLUTION 25-173

Motioned by Councilor Hitchings
Seconded by Councilor Pagano

RESOLVED, to enter into Executive Session at 07:31 p.m. for the purpose of:

- Personnel (particular person)
- Litigation (proposed/pending/current)
- Collective negotiations
- Real property transaction (value affected by publicity)
- Medical/financial/credit history (particular person/corp.)
- Public safety/cybersecurity
- Other (specify): _____

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)

MOTION CARRIED

Attendees: Mayor City Manager City Attorney Other: _____

Councilors: All Absent: Mayor Rossi/Councilor Laureti-all others present

City Manager Lovell left the Executive Session at 8:12p.m.

BE IT FURTHER RESOLVED, that the Executive Session adjourned to the regular meeting at: 08:22 p.m.
with:

No action taken Action taken: See motion in open session (Ref. 25-___)

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)

MOTION CARRIED

Motion to adjourn regular meeting by Councilor Szczerba
Seconded by Councilor Pagano

Ayes: 5
Nays: 0
Absent: 2 (Rossi/Laureti)

MOTION CARRIED

The regular meeting adjourned at: 08:23 p.m.

Certified by: Sandra LaPera

City Clerk, City of Oneida, New York

City of Oneida Ethics Committee

September 16, 2025

Mayor Rossi and Common Council Members
City of Oneida
109 North Main Street
Oneida, NY 13421

RE: Ethics Violations

Dear Mayor Rossi and Members of the Common Council:

The Ethics Committee met on September 15, 2025, with city manager, Kyle Lovell, regarding potential breach of Ethics violations, pertaining to confidential information discussed in the Common Council's Executive Session on September 2, 2025.

The following dates and events are listed:

- October 22, 2024, Kyle Lovell's employment contract begins. It states "*Within ten (10) calendar days of June 1, 2025, Mr. Lovell shall meet with the Mayor to review his performance and confer on his salary for 2026 if he remains employed as City Manager. The City Council shall thereafter adopt a resolution establishing Mr. Lovell's annual salary for 2026.*"
- June 1, 2025, no actions have occurred by either party.
- August 21, 2025, Kyle Lovell sends an email titled, "*Reflection on Progress and Ongoing Work*" to Mayor and Common Council. This email enumerates his key accomplishments, ongoing initiatives and ends with a request to begin formal contract negotiations. No response from Mayor or Common Council members.
- August 25, 2025, Wayne Winchell submits a FOIL request for Kyle Lovell's correspondence between August 11 and August 24, 2025. The FOIL request was answered within 48 hours.
- August 25, 2025, Kyle Lovell sends a second request to the Mayor and Common Council regarding contract negotiations pursuant to his contract. He suggested 3 dates and times he was available and said it could be added to the September 2, 2025, Council agenda. No response from Mayor or Common Council members. Later that day, Kyle Lovell calls Mayor Rossi and the Mayor agrees to discuss contract negotiations during Executive Session on September 2, 2025.
- September 2, 2025, Common Council meeting occurs. Near the end of the meeting the Mayor and Common Council members and Kyle Lovell enter Executive Session and discuss his contract. Kyle leaves the meeting but is told nothing further.

- September 4, 2025, Kyle Lovell still has not heard any contract information from the Mayor or the Common Council. He sends another email to the Mayor and Common Council requesting resolution to his contract negotiations.
- September 10, 2025, Wayne Winchell releases part of the FOIL request online (Facebook) that references Kyle Lovell's contract negotiations. (Copy of Kyle Lovell's August 25, 2025 email)
- September 11, 2025, Andy Craig posts on Facebook specific information that was known only to participants who were in attendance during the September 2, 2025 Executive Session.

Based on General Municipal Law Sec 805-a(1)(b)

Why Executive Sessions Are Confidential

- **General Municipal Law §805-a(1)(b):**
This section explicitly prohibits any municipal officer or employee from **disclosing confidential information acquired in the course of official duties**. Information discussed in an executive session is considered confidential.
- **The NYS Committee on Open Government regularly advises that executive session confidentiality is absolute unless the public body itself votes to release information.**
- **General Municipal Law §805-a(1)(b) makes clear that what is said in executive session is confidential**, and that disclosure by any officer or employee is a prohibited act, enforceable by law.

CONCERNS:

- There may be a possible breach of contract for failing to complete Kyle Lovell's performance review and new contract in a timely manner.
- There may be a breach of fiduciary duty that someone from the Common Council is leaking confidential information derived from the Executive Sessions to the public.

RECOMMENDATION:

- It is our recommendation that the Mayor and Common Council members commit to a full investigation with an independent third party to uncover the leaks of confidential information from Executive Council meetings.

CITY OF ONEIDA ETHICS COMMITTEE

Sarah Marshall
Wendy Matters
Erwin Smith
Brahim Zogby

cc: Sandra LaPera
Kyle Lovell