# **CITY OF LOCKPORT COMMON COUNCIL MEETING AGENDA REGULAR MEETING** September 24th, 2025 5:00 PM

5:30 PM

Committee of the Whole Meeting

6:00 PM

Common Council Meeting

**ROLL CALL** 

Public Input – Cancelled for this meeting due to the 200th Anniversary of the Erie Canal Celebration

APPROVAL OF MINUTES

Lupo:

Approve Common Council minutes for

092425.1

September 10th, 2025 meeting

**COMMUNICATIONS** 

**MOTIONS & RESOLUTIONS** 

**ADJOURNMENT** 

Craig: 092425.2 Approve bills and payrolls

Devine:

Dumpster – 13 Main Street

092425.3

Withdrawn

092425.4

xxxx:

Lupo:

xxxx:

Stand-Up Lockport march - 10/5

092425.5

092425.6

Withdrawn

xxxx:

Withdrawn

092425.7

Devine:

In Rem Properties

092425.8

Fogle:

Adjourn meeting to October 8th, 2025

092425.9

# CITY OF LOCKPORT COMMON COUNCIL PROCEEDINGS

Lockport Municipal Building

Regular Meeting Official Record

September 24th, 2025 5:00 P.M.

Mayor John Lombardi III called the meeting to order.

#### **ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Fogle, Craig, Lupo, Mullane, Devine, Kirchberger

**INVOCATION** – Pastor Steve O'Mara

#### **ANNOUNCEMENTS**

By Alderman Lupo:

**Resolved** that the Rules & Orders governing Common Council meetings are hereby waived for this meeting. Public input will not be held this evening due to the Erie Canal Bicentennial celebration being held tonight.

Seconded by Alderman Devine and adopted. Ayes 6.

#### 092425.1

#### **APPROVAL OF MINUTES**

On motion of Alderman Kirchberger seconded by Alderman Craig the minutes of the Regular meeting of September 10th, 2025 are hereby approved as printed in the Journal of Proceedings. Ayes 6.

#### FROM THE MAYOR

#### Appointments:

9/22/2025 Christopher Peacock, 123 Ontario Street, has been appointed to Chief Operator of the Waste Water Treatment Plant. Said appointment is provisional and subject to the City of Lockport's Municipal Civil Service Rules and Regulations.

9/22/2025 Adam Heiman, 64 Rogers Avenue, has been appointed to Chief Compost Plant Operator of Waste Water Treatment Plant. Said appointment is provisional and subject to the City of Lockport's Municipal Civil Service Rules and Regulations.

#### FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments.

Reviewed by the Finance Committee.

**Communications** (which have been referred to the appropriate City officials)

#### Notice of claim

**9/8/2025** Michele Johengen vs. the City of Lockport and Niagara County (referred to Corporation Counsel)

# MOTIONS & RESOLUTIONS 092425.2

By Alderman Craig:

**Resolved** that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills and services to be paid on September 25th, 2025.

Seconded by Alderman Devine and adopted. Ayes 6.

#### 092425.3

By Alderman Devine:

### Approval for a dumpster to be placed at 13 W Main St.

Whereas by Resolution 041223.16 the Common Council approved the use of two (2) 30-yard dumpsters at 13 West Main Street during a demolition and construction project through the end of November 2023, and

**Whereas** the demolition/construction project is not yet complete;

**Now therefore be it resolved** that pursuant to its request, REMcNamara General Contracting and Construction Management, 8615 Roll Road, Clarence Center, NY 14032 is hereby granted permission to place two dumpsters (30-yard dumpsters) in the parking spaces directly in front of 13 West Main Street or in the alley to the east of 13 West Main Street whenever possible through the end of the project, based on a certificate of occupancy being issued. Said permission is subject to REMcNamara General Contracting and Construction Management filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and follow all rules and regulations as set forth in the Lockport City Code Section 156 – Roll-Off Containers

Seconded by Alderman Mullane and adopted. Ayes 6.

**092425.4** Withdrawn.

#### By Alderman Kirchberger:

Resolved that the reading of the foregoing resolution be and the same are hereby waived.

Seconded by Alderman Fogle and adopted. Ayes 6.

#### 092425.5

By Alderman Lupo:

# Approval for The Stand-Up Lockport march to be held on Sunday October 5

Whereas Stand-Up Lockport, a local, non-partisan community group composed of residents across the political spectrum, has requested approval to hold a community march in the City of Lockport on Sunday, October 5, 2025; and

**Whereas** the purpose of the march is to advocate for the protection of Veterans' Benefits, the preservation of law and order, and the promotion of common sense over partisan politics; and

Whereas the march will begin at 12:00 p.m. at the Niagara County Courthouse, proceed through the City, and conclude at Veterans Park, with the event scheduled to conclude no later than 3:00 p.m.; and

## Whereas the event plan includes:

- Static displays along the route, with no stopping of the march;
- Speakers only at the opening (Niagara County Courthouse) and conclusion (Veterans Park);
- Use of small portable public address systems at the Courthouse and Veterans Park only;
- Four trained volunteers certified through an online Crowd Manager Training program to assist with crowd management;
- A small bicycle team in reflective vests to help pace the march and guide participants, working in coordination with the Lockport Police Department and Department of Public Works to ensure safe traffic flow and pedestrian crossings; and

Whereas the organizers estimate attendance of up to 500 participants, though actual attendance may be smaller; and to safely accommodate participants, it may be necessary to temporarily close certain streets along the designated march route under the direction of the Lockport Police Department and the Director of Highways and Parks;

Now therefore be it resolved, that the Common Council hereby approves the request of Stand-Up Lockport to hold a community march on Sunday, October 5, 2025, from 12:00 p.m. until 3:00 p.m., beginning at the Niagara County Courthouse and concluding at Veterans Park, consistent with the event description provided; and that the City of Lockport authorizes the temporary closure of streets along the designated march route, as determined necessary by the Lockport Police Department and Department of Public Works, to ensure the safety of participants and the general public; and

**Be it further resolved**, that the organizers shall coordinate with the Lockport Police Department, and the Director of Highways and Parks to ensure appropriate planning, safety measures, and traffic control during the event; and the organizers shall provide the City of Lockport with proof of liability insurance naming the City as an additional insured.

Seconded by Alderman Mullane and adopted. Ayes 6.

**092425.6** Withdrawn.

**092425.7** Withdrawn

#### 092425.8

By Alderman Devine:

#### Approval for the City of Lockport to retain 4 properties on West Avenue

Whereas the City of Lockport is in the process of holding it's annual in rem tax foreclosure auction online on October 8, 2025 to October 22, 2025;

Whereas the 2022 In Rem, Index No. #E178984/2023 Judgment was filed on 9/26/2024 and the 2023 In Rem, Index No. E182194/2024 Judgment was filed on 9/11/2025; By virtue of these signed and filed Judgments, the real estate properties are awarded the Lockport City Treasurer;

Whereas there are four (4) properties included in the above referenced in rems that were acquired through RPTL Article 11 foreclosure. The City of Lockport would like to retain these parcels for municipal purposes; The City of Lockport would like to file the deeds from the City of Lockport Treasurer to the City of Lockport;

Whereas; one or more of these properties may have possible contamination:

**Now therefore be it resolved**, the City of Lockport does hereby approve and confirm by ratification the retention of the properties listed below to the City of Lockport.

PARCEL#	SBL#	ADDRESS
2022-020	108.19-1-4	641 WEST AVE
2023-026	108.19-1-5.1	635 WEST AVE
2023-027	108.19-1-5.2	625 WEST AVE
2023-028	108.19-1-7	621 WEST AVE

Seconded by Alderman Fogle and adopted. Ayes 6.

#### 092425.9

#### **ADJOURNMENT**

At 5:10pm Alderman Fogle moved the Common Council be adjourned until 6:00pm Wednesday, October 8th, 2025.

Seconded by Alderman Devine and adopted. Ayes 6.

EMILY STODDARD
City Clerk

From:

Kristin Schubring <kschubring@lockportny.gov>

Sent:

Tuesday, September 23, 2025 1:53 PM

To:

deputyclerk@lockportny.gov

Cc:

cityclerk@lockportny.gov

Subject:

AP Fund Totals 9/24/25

Hello,

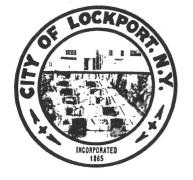
Invoices to be approved at the meeting on 9/24/25 are as follows:

Fund A General - \$91,788.48 Fund CL Refuse & Recycling - \$108,735.46 Fund FX Water - \$183,814.09 Fund G Sewer - \$32,845.00 Fund S Worker's Comp - \$7,050.00 Fund H Capital Projects - \$32,973.76 **Total** - \$457,206.79

Please let me know if you have any questions. Thanks!



Kristin Bernardi Schubring Principal Account Clerk Finance Department City of Lockport, NY 716.439.6620



# CITY OF LOCKPORT, NEW YORK

Lockport Municipal Building One Locks Plaza Lockport, NY 14094

September 22, 2025

TO: Common Council

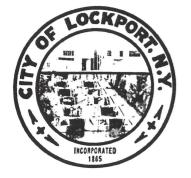
Under and by virtue of the authority conferred on me by the charter of the City of Lockport, New York, I, John Lombardi III, Mayor of said City, do hereby appoint Christopher Peacock of 123 Ontario Street, Lockport, NY 14094 to Chief Operator of Waste Water Treatment Plant. This is a provisional position effective September 22, 2025.

Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Witness by hand and the Seal of the City of Lockport this 22<sup>nd</sup> day of September 2025.

John Lombardi III Mayor

cc: C. Peacock City Clerk



# CITY OF LOCKPORT, NEW YORK

Lockport Municipal Building One Locks Plaza Lockport, NY 14094

September 22, 2025

TO: Common Council

Under and by virtue of the authority conferred on me by the charter of the City of Lockport, New York, I, John Lombardi III, Mayor of said City, do hereby appoint Adam J. Heiman of 64 Rodgers Avenue, Lockport, NY 14094 to Chief Compost Plant Operator of Waste Water Treatment Plant. This is a provisional position effective September 22, 2025.

Said appointment is provisional and subject to the City of Lockport Municipal Civil Service Rules and Regulations.

Witness by hand and the Seal of the City of Lockport this 22<sup>nd</sup> day of September 2025.

John Lombardi III

Mayor

cc: A. Heiman C. Peacock City Clerk

RECEIVED
SEP 08 2025
CITY CLERK OFFICE

In the Matter of the Claim of MICHELE JOHENGEN, on behalf of PHILIP JOHENGEN, deceased,

Claimant.

**NOTICE OF CLAIM** 

- Against-

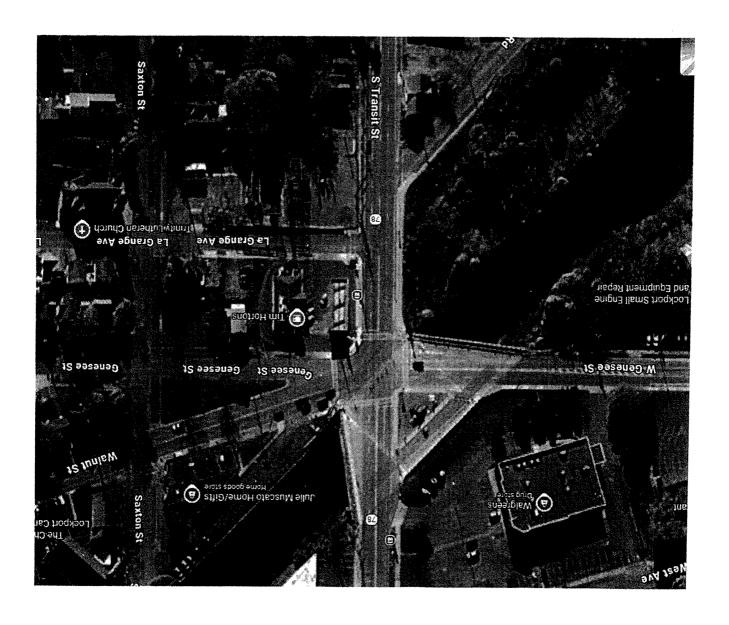
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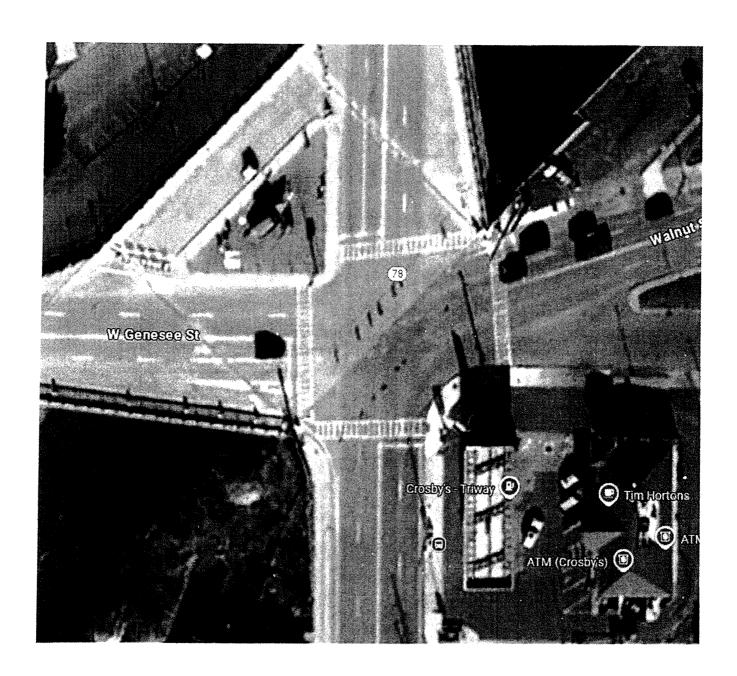
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TO: CITY OF LOCKPORT, and NIAGARA COUNTY

**PLEASE TAKE NOTICE**, that Michele Johengen, on behalf of Philip Johengen, deceased, has and hereby makes claim against the City of Lockport and Niagara County, and in support of said claim states the following:

- 1. The Post Office address of claimant is 6970 Northview Drive, Lockport, New York 14094.
- 2. The attorneys for claimant are Lipsitz Green Scime Cambria LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202.
- 3. The claim of Michele Johengen, on behalf of Philip Johengen, is for personal injuries, including without limitation, medical expenses, and for consequential damages generally.
- 4. The claim arose at the in the intersection of South Transit Street and West Genesee Street located within the City of Lockport, County of Niagara and State of New York. Annexed hereto, and incorporated herein, is a copy of the June 13, 2025, police report. Specifically, as noted in the police report (Attached hereto as Exhibit A), Philip Johengen was found "laying in the North bound traffic lane" of South Transit Street after being struck. Aerial-view photographs of the location of Philip Johengen's injury producing accident are attached hereto:





5. The claim arose in substance as follows: On the 13th day of June, 2025, at approximately

7:13 pm, Philip Johengen, while crossing South Transit Street, was caused to be struck by a motor

vehicle, resulting in serious injuries to Philip Johengen.

6. Upon information and belief, the incident herein described and the resultant injuries and

damages sustained were caused as a result of the negligence, carelessness, recklessness and/or

unlawful conduct on the part of the agents, servants and/or employees of the City of Lockport and

Niagara County, and more particularly, among other things, in failing and omitting to provide

adequate lighting making it difficult for drivers to see pedestrians; in failing and omitting to

provide adequate traffic control devices; and in failing and omitting to provide a safe method and

means by which pedestrians could safely cross the aforesaid roadway; and in failing and omitting

to provide appropriate pedestrian walkway accommodations.

7. Upon information and belief, as a result of the aforesaid incident, Philip Johengen sustained

severe bodily injuries and was painfully and serious injured; was rendered sick, sore lame and

disabled; sustained pain and suffering and shock to his nerves and nervous system; suffered

conscious pain and suffering; and more particularly, Philip Johengen sustained injuries in the

nature of a traumatic brain injury that eventually lead to his death on August 11, 2025.

WHEREFORE, Claimant Michele Johengen, on behalf of Philip Johengen, requests that the

City of Lockport and Niagara County honor and pay the claim on behalf of Philip Johengen.

Dated:

Buffalo, New York September **0**, 2025

Michele Johengen
Michele Johengen

7252938v1 - 099737,0007

## LIPSITZ GREEN SCIME CAMBRIA LLP

By:

Thomas M. Mercure, Esq. Attorneys for Claimant

42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

(716) 849-1333

tmercure@lglaw.com

STATE OF NEW YORK )
S.:
COUNTY OF NIAGARA )

MICHELE JOHENGEN, being duly sworn, deposes and says that she is the claimant above named and makes this claim on behalf of PHILIP JOHENGEN; she has read the foregoing notice of intention to file a claim and knows the contents thereof; the same is true to the knowledge of the claimant except for matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

Michele Johengen

Sworn to before me this

63

\_day of September, 2025

Notary Public

THOMAS M. MERCURE
Notary Public State of New York
License No. 02ME5074530
Qualified in Erie County
My Commission Expires March 17, 2027

# **EXHIBIT A**

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New York State Department of Motor Vehicles

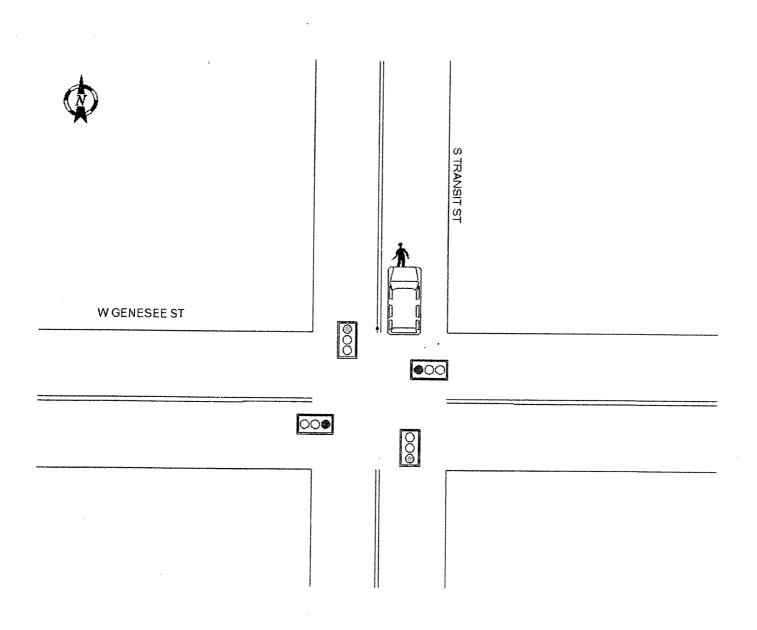
# POLICE ACCIDENT REPORT

Local Codes 25LP08378

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MV-104A (6/04)

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From:

jdool@lockportny.gov

Sent:

Tuesday, September 9, 2025 9:03 AM

To:

'City Clerk'; '1st Ward'

Subject:

Resolution for the next meeting please

Good morning. I have included a previous resolution for 13 West Main St. I have also included a couple minor changes. Please review and place this on the next agenda. If you have any questions, please let me know.

#### 041223.16 -

By Alderman Beakman:

Whereas by Resolution 022223.12 the Common Council approved the use of two (2) 30-yard dumpsters at 13 West Main Street during a demolition and construction project through the end of April 2023, and

Whereas the demolition/construction project is not yet complete; now therefore be it Resolved, that pursuant to its request, Trinity Buildings and Construction Management Corporation, 1 Jewel Drive #322, Wilmington, MA 01887 is hereby granted permission to place two dumpsters (30-yard dumpsters) in the parking spaces directly in front of 13 West Main Street or in the alley to the east of 13 West Main Street whenever possible through November 2023. Said permission is subject to Trinity Buildings and Construction Management Corporation filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and follow all rules and regulations as set forth in the Lockport City Code Section 156 – Roll-Off Containers

#### xxxx -

By Alderman Craig:

Whereas by Resolution **041223.16** the Common Council approved the use of two (2) 30-yard dumpsters at 13 West Main Street during a demolition and construction project through the end of November 2023, and

Whereas the demolition/construction project is not yet complete; now therefore be it Resolved, that pursuant to its request, REMcNamara General Contracting and Construction Management, 8615 Roll Road, Clarence Center, NY 14032 is hereby granted permission to place two dumpsters (30-yard dumpsters) in the parking spaces directly in front of 13 West Main Street or in the alley to the east of 13 West Main Street whenever possible through the end of the project, based on a certificate of occupancy being issued. Said permission is subject to REMcNamara General Contracting and Construction Management filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured and follow all rules and regulations as set forth in the Lockport City Code Section 156 – Roll-Off Containers

Jason Dool Chief Building Inspector 716.439.6754

From:

Stand Up Lockport <standuplockport@gmail.com>

Sent:

Wednesday, September 17, 2025 1:19 PM

To:

cityclerk@lockportny.gov

Subject:

[EXTERNAL] Inquiry on Permit Requirements for October 5th March

Dear Ms. Stoddard,

My name is Luke Udell, writing on behalf of **Stand-Up Lockport**, a local, non-partisan community group made up of Democrats, Republicans, and independents. We're organizing a small march in the City of Lockport on **Sunday, October 5, 2025**, and want to ensure we follow all city requirements. The march will start at noon and be over by 3pm (likely earlier).

#### **Event overview:**

- **Purpose**: To march for protection of Veteran's Benefits, preservation of law and order, and for "common sense" rather than partisan politics.
- Start at Niagara County Courthouse; conclude at Veterans Park
- Static displays along the route; the group will continue marching rather than stopping
- Speakers at two locations only: Courthouse (opening) and Veterans Park (conclusion)
- Estimated attendance up to 500 people (likely smaller)
- Small portable PA at Courthouse and Veterans Park only
- Crowd management: four volunteers have completed an online Crowd Manager Training course (https://www.firemarshals.org/Crowd-Manager-Training)
- We'll also have a small bicycle team in reflective vests to help pace the march and guide participants in **coordination with any directions from LPD/Public Works**. We will use sidewalks if the group ends up being on the small end. If it ends up on the larger side of our estimates, this team would be utilized to keep traffic flowing and block where necessary for people to cross safely.

# Kindly advise on:

- 1. Whether a special event permit (or other paperwork) is required for a march of this size.
- 2. Whether **sound amplification** (portable PA at start/end locations) requires a separate permit or approval.
- 3. Any recommended **coordination with police, fire, or public works** for road safety/traffic management (including any preferred procedures or contacts).

We're committed to a **safe**, **orderly**, **and respectful** event for participants and the broader community and appreciate any guidance or forms to ensure full compliance.

Thank you for your time and assistance.

Sincerely,
Luke Udell
On behalf of **Stand-Up Lockport**standuplockport@gmail.com

Personal Cell: (716) 696-2575

From: Stand Up Lockport <standuplockport@gmail.com>

**Sent:** Wednesday, September 17, 2025 4:31 PM

**To:** City Clerk

**Subject:** Re: [EXTERNAL] Inquiry on Permit Requirements for October 5th March

Attachments: SUL\_March\_for\_common\_sense\_concept.pdf

Ms. Stoddard,

Thank you very much for your quick reply and I love the signature block, this is our year for the Bills!

Regarding next week's Council meeting, could you let me know whether this is an internal approval or if someone from our group should be present to answer questions? We're happy to attend if that would be helpful.

On street closures, I've mapped the route in detail and noted the cross-streets where the march would pass. My hope is to work closely with the city to follow your guidance on what should be officially blocked versus where our bicycle team (in reflective vests) can temporarily guide participants across. We anticipate a modest turnout (likely well under 500 people), and much of the route can probably be contained to sidewalks, but I want to plan responsibly in case the crowd grows.

To give you a clear picture:

- The march will begin at the Courthouse and end at Veterans Park.
- At each location along the way, we will place simple static displays (e.g., boards with information such as "Protect Veterans Benefits").
- At the start and end points, we'll provide a port-a-john, and at the end point, a small pop-up tent with some coolers with water. (This will be contracted to be dropped and picked up same day.)
- I've attached a short slide deck with the overall concept for context.

My top priority is minimizing disruption while ensuring safety for both participants and the city. To that end, one of our members has also reached out to the Police Chief so that coordination can be seamless.

I'll add that I care deeply about doing this the right way. As a retired Army officer and combat veteran myself, I take safety, order, and respect for our community very seriously. This isn't about partisanship, it's about common sense, supporting veterans, supporting our community, and coming together peacefully.

And please pass along my thanks to the Mayor, he once fixed my garage door years ago for free, and it's still working perfectly! I've never forgotten that kindness, and it's a reminder of why I love living here in Lockport.

Thanks again for your help in guiding us through the process. Please let me know what else you'll need from me so we can make sure everything is in order ahead of the Council meeting.

Sincerely, Luke Udell On behalf of Stand-Up Lockport standuplockport@gmail.com

On Wed, Sep 17, 2025 at 1:49 PM City Clerk < cityclerk@lockportny.gov > wrote: