

Local News

Two local congregations' swimming pools declared private

By Teresa A. Parsons
Sisters in two local congregations won't be forced to find lifeguards before they take the plunge into their swimming pools this summer.

State Supreme Court Justice Andrew V. Siracuse ruled Friday, June 24, that swimming pools at the motherhouses of the Sisters of St. Joseph and the Sisters of Mercy are private, and thus are not subject to health department regulations requiring that lifeguards be on duty whenever the swimming pools are in use.

Thus, for the past two years, county health officials granted both congregations a "responsible person" permit that waived lifeguard requirements when the pools were in private use.

During the weeks when the sisters offered summer day camp programs, the pools were supervised by lifeguards. "We have routinely inspected both pools, and have had no problems," Nitzkin said.

But this summer, Nitzkin said county officials no longer had the authority to issue such a waiver. Earlier this year, he explained, state officials announced that they would require pools inspected by the health department to comply with state regulations requiring lifeguards.

The change in policy would have required both religious congregations to have lifeguards present not only when their summer camps were in session, but whenever the pools were in use.

Faced with the prospect of hiring full-time lifeguards in order to use their swimming pools, sisters of both congregations decided to take the issue to court.

"On Friday, the judge ruled that the SSJ pool and the Mercy sisters' pool are private in nature, and not subject to the sanitary regulations public pools are subject to," said Jack Keigher, an attorney who represented the Sisters of St. Joseph in the case. "The result will

be that the sisters, in uses of the pool that are considered private, will not be mandated to have a lifeguard present."

Sister Jean Marie Kearse, superior of the Sisters of Mercy, noted that during the weeks when Camp Silver Birch is in session, the Mercy motherhouse pool will follow health department restrictions "to the letter."

Nitzkin said he will await Judge Siracuse's written decision, expected later this week, before deciding whether to appeal. He denied that this year's change in state and local policy was related to an incident in July, 1986, when a 10-year-old boy died of heart failure at a summer day camp run by the Sisters of St. Joseph at their motherhouse on East Avenue. Health department officials ruled that the boy's death was unrelated to conditions at the

pool or the camp.

Prior to 1986, however, Sister Kearse noted that the pools at the Mercy and St. Joseph motherhouses were not considered under the jurisdiction of the county health department.

During the course of their investigation into the 1986 incident, county health officials discovered that Camp SSJ was not licensed, as required by state regulations. Although the Sisters of St. Joseph subsequently obtained the necessary permits, they are not offering their day camp this summer, according to Sister Joan McDowell, congregation spokeswoman.

Sister McDowell said the decision was not related to the swimming pool issue. "We did want a sister to run the camp, but because the sisters are into so many other things, there was no one available," she said.

Pro-life advocates to spend July 4 in Philadelphia

Approximately 30 people from Rochester will travel to Philadelphia this July 4-6 to join in a massive "Operation Rescue" anti-abortion protest, according to David Long, director of Project Life of Rochester.

Demonstrations will take place on July 5

and 6, and are expected to be larger than the week-long protest that took place in New York City in early May. Nearly 1,650 arrests for disrupting business at three New York City abortion clinics were made during that Operation Rescue.

"We want pro-life leaders all across the country to come out so they can go back to their local communities with fresh ideas," said Long, who will be one of the field marshalls looking out for possible counter-protests by pro-choice sympathizers.

"People look at rescues as illegal activities, but some of the glorious milestones of our history have been interpreted as illegal acts ... like the signing of the Declaration of Independence," Long said.

Organizers of the upcoming Operation Rescue estimate that nearly 1,200 people in all could turnout for the demonstrations.

"The Philadelphia authorities are taking this very seriously; it's going to be bigger than New York," Long said.

The Project Life director, who said he and other pro-life activists are trying more aggressive efforts to stop abortion and get the moral issue back into the political arena, said that 100 people in Rochester have already signed up for another local "rescue mission" at an undisclosed clinic in late July or early August.

An all-pastors rescue on October 4 in Washington, D.C. has also been planned, Long said, adding that a local all pastors "rescue mission" will occur in late fall.

- Richard A. Kiley

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