

Landmark case still alive

Pastor hopeful city will win case on merits

Rob Cullivan/Catholic Courier

A New York state appeals court justice has ruled that opponents of renovations to Sacred Heart Cathedral have standing to sue the City of Rochester's planning commission for its decision not to designate the church a landmark.

Citing the fact that the petitioners were both Sacred Heart parishioners and/or neighbors, New York state Supreme Court Justice Robert J. Lunn issued his ruling April 10 in Rochester's Hall of Justice. Attorneys for the city, the Diocese of Rochester and renovation opponents are slated to return to court May 1 to make oral arguments regarding the merits of the suit. Although the diocese is not a target of the suit, it is allowed to argue against the suit as an interested party.

Late last year, opponents of plans to renovate Sacred Heart filed suit against the planning commission, claiming it had acted in an "arbitrary, capricious and illegal manner" by rejecting an application to designate the church a landmark. The plaintiffs are asking for annulment of the decision to reject the landmark application.

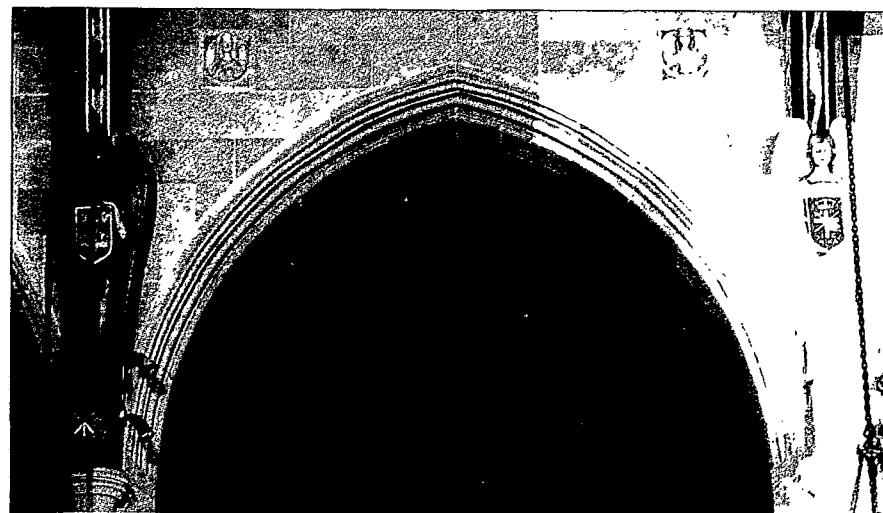
The landmark application likewise had been brought to the city by renovation opponents. The planning commission voted last October to deny the application, which previously had received unanimous approval from the city's seven-member preservation board. Landmark designation would have required the diocese to seek city approval for certain exterior and interior changes.

The lawsuit contends that the planning commission ignored or overlooked proper procedures in several areas before rejecting the application. The plaintiffs suing the commission are members of the Sacred Heart Preservation Committee, a group opposed to the cathedral renovations.

Despite the ruling, Father John Mulligan, diocesan vicar general and pastor of Sacred Heart, said he was hopeful that renovation opponents would lose the case on its merits.

"We feel that this is kind of an encroachment on a church/state issue," Father Mulligan said of the suit.

Although the suit is still pending, the cathedral renovations are still slated to start in July, Father Mulli-



Karin von Voigtlander/Catholic Courier

A sample of interior renovations at Sacred Heart Cathedral includes the repainting of an angel (right) that is located at the top of a column near the bishop's chair.

gan said, adding that one part of the process is already well under way — renovation of the convent, which is located on the opposite side of Flower City Park, across from the cathedral. The convent currently houses eight women religious, he said, and when renovations are completed, it will include an adult day center and neighborhood-outreach center in addition to the sisters' housing. He added that the convent was originally built in 1954 to house 30 nuns.

The adult day program, called Home & Heart, is currently located in the basement of the church, and is administered by St. Ann's Community, a multilevel health-care system that serves senior citizens. Father Mulligan said the program will move into the convent building Easter Monday. The convent will also be the temporary home of the cathedral's rectory offices during the renovation of the church, he said. The outreach center is slated to open by

Jan. 1, 2004.

Inside the cathedral, the beginning of the renovation process is already evident on the walls and ceiling area around the bishop's chair. Father Mulligan noted that Conrad Schmitt Studios of New Berlin, Wis., worked on the walls and columns in December, repainting an angel located at the top of one of the columns. The studios' work is a sample of what's to come, he noted, pointing to the brightened walls.

The diocese also plans to demolish several boarded-up homes it purchased during the past year and build a parking lot behind the cathedral. Although the proposed parking lot has drawn vocal opposition from renovation opponents, at least one neighboring property owner, who asked not to be identified, said she supported tearing down the boarded-up homes and building the parking lot.

"As a property owner, I'm delighted," she said.

OFFICIALS ARE PLEASED WITH FAITH-BASED BILL

WASHINGTON (CNS) — Catholic officials are endorsing legislation, passed overwhelmingly by the Senate April 9, that aims to help charity organizations provide social services.

The Charity Aid, Recovery and Empowerment Act of 2003 will provide tax breaks to corporations and to individuals who do not currently itemize on their taxes for giving charitable donations.

It will also give technical assistance to faith-based and community groups that want to offer social services, restore \$1.3 billion in funding for the Social Services Block Grant, and authorize \$33 million to establish group maternity homes for young mothers.

IRISH DIOCESE SETTLES SEX-ABUSE LAWSUIT

DUBLIN, Ireland (CNS) — The Irish Diocese of Ferns agreed to pay 300,000 euros (US\$323,000) and apologize publicly to settle a sex-abuse case dating to the early 1980s.

Colm O'Gorman was abused by Father Sean Fortune between 1981 and 1983 in Ferns. O'Gorman said he sued the diocese because it knew Father Fortune was a pedophile and knowingly put O'Gorman at risk. Father Fortune committed suicide in 1999 amid a string of sexual-abuse charges.

O'Gorman said he hoped his case marked a turning point in how the church in Ireland deals with cases of clergy sex abuse.

POPE PLANS VISITS TO SPAIN, CROATIA

VATICAN CITY (CNS) — Pope John Paul II will proclaim five new saints during his May 3-4 visit to Madrid, the Vatican announced.

The May 4 canonization of two priests and three women religious in the central Colon Square will be the culmination of the visit.

The pope will also spend five days in Croatia in early June, the Vatican confirmed.

During the June 5-9 trip, the pope is expected to beatify Sister Maria Petkovic, a 20th-century Croatian who founded the Daughters of Mercy. He also is expected to celebrate Mass at the Trsat Marian shrine near Rijeka.

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