

City of Waltham

Jeannette A. McCarthy
Mayor

May 12, 2017

TO: CITY COUNCIL
RE: STIGMATINES' PROPERTY ADDENDUM

Dear Councillors:

Enclosed please find:

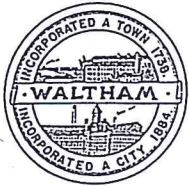
1. 12/12/2016 E-mail to/from Attorney F. Beirne Lovely, Jr. (General Counsel for Archdiocese of Boston) and City Attorney Azadi; and my 12/12/2016 communication to City Council
2. Letter received today (5/12/2017) from Attorney F. Beirne Lovely, Jr. (General Counsel for Archdiocese of Boston)

Sincerely,

Jeannette A. McCarthy
JAM/ccb
Enclosures

**ARCHDIOCESE OF
BOSTON
ATTORNEY'S
COMMUNICATIONS
12/12/2016 AND
5/12/2017**

EXHIBITS 22-23



City of Waltham

Jeannette A. McCarthy

Mayor

CITY CLERK'S OFFICE
DEC 12 P 12:59

RECORDED

December 12, 2016

TO: The City Council
RE: Update for Special Meeting December 12, 2016

Dear Councillors:

Please be advised that today I was contacted by Attorney F. Beirne Lovely, Jr. who represents His Eminence Cardinal Sean O'Malley. He advised me that he was calling because he understands that the Cardinal's name was mentioned in a letter to the City Council regarding the Stigmatine property. He advised me that this is a private matter and the Cardinal is not and will not be involved in this private matter since the Stigmatines own the property.

I asked him if I could share that with the City Council and he said yes.

Respectfully submitted,

Jeannette A. McCarthy

JAM/ccb

Enclosure

cc: Attorney F. Beirne Lovely, Jr.
Attorney John Cervone
Attorney Patricia Azadi

EX. 22

Casey-Brenner, Colette

From: Azadi, Pat
Sent: Monday, December 12, 2016 4:51 PM
To: Mayor
Subject: FW: Letter from Mayor McCarthy

Hi Mayor,
I just received the attached from Attorney Lovely.
Sincerely,
Pat

From: Lovely, Beirne [mailto:Beirne_Lovely@rcab.org]
Sent: Monday, December 12, 2016 4:49 PM
To: Azadi, Pat
Subject: RE: Letter from Mayor McCarthy

Thank you for providing an opportunity to review the Mayor's letter. Our preference is that you substitute "the Archdiocese of Boston" for every reference to the Cardinal individually. A simpler way of stating our point is that the Archdiocese has no role in the transaction since the owners of the property are the Stigmatine Fathers. Thank you.

Best regards –

Beirne

F. Beirne Lovely, Jr.
General Counsel
Archdiocese of Boston
66 Brooks Drive
Braintree, MA 02184-3839
mailto:Beirne_Lovely@rcab.org
Tel: (617) 746-5672
Cell: (617) 447-5847
Fax: (617) 746-5686
(617) 746-5782

From: Azadi, Pat [mailto:pazadi@city.waltham.ma.us]
Sent: Monday, December 12, 2016 1:52 PM
To: Lovely, Beirne <Beirne_Lovely@rcab.org>
Subject: Letter from Mayor McCarthy

Attorney Lovely,
Attached please find a letter from Mayor McCarthy relating to the telephone conversation you had with her earlier that she intends to send to the City Council. If anything in it is misstated, please let me know so that it may be corrected prior to her transmittal to the City Council.
Sincerely,

Casey-Brenner, Colette

From: Lovely, Beirne <Beirne_Lovely@rcab.org>
Sent: Friday, May 12, 2017 3:59 PM
To: Vizard, Joseph
Cc: Diane LeBlanc; Mayor
Subject: Stigmatine Fathers - Letter from Cardinal O'Malley
Attachments: Stigmatine Fathers - SPOM ltr to Waltham Mayor and City Council 05.12.2017.PDF

Dear Assistant City Clerk Vizard -- In my capacity as General Counsel of The Archdiocese of Boston, and at the request of His Eminence, Seán Cardinal O'Malley, O.F.M., Cap., Archbishop of Boston, I represent the interests of the Cardinal Archbishop and the Archdiocese of Boston. I attach a letter to the City Council and the Mayor of Waltham that the Cardinal would appreciate your distributing to each of the Councilors and the Mayor as soon as possible. I would appreciate your acknowledging receipt of this email and the attachment.
Thank you for your cooperation.

Sincerely,

F. Beirne Lovely, Jr.

General Counsel

Archdiocese of Boston

66 Brooks Drive

Braintree, MA 02184-3839

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F. Beirne Lovely, Jr.
General Counsel

May 12, 2017

The City Council
The Honorable Jeannette A. McCarthy
City of Waltham

Re: Stigmatine Property – 554 Lexington Street (consisting of 554 Lexington Street, 75R Lincoln Street and 111R Lincoln Street) (the “Stigmatine Property”)

Ladies and Gentlemen:

In my capacity as General Counsel of The Archdiocese of Boston, and at the request of His Eminence, Seán Cardinal O’Malley, O.F.M., Cap., Archbishop of Boston, I represent the interests of the Cardinal Archbishop and the Archdiocese of Boston.

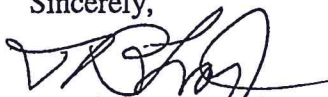
In light of the City of Waltham’s consideration of the taking by eminent domain of the Stigmatine Property, Cardinal O’Malley has asked that I communicate his concern with regard to such action. While I have personally communicated to the Mayor that the Cardinal recognizes that this involves a private civil matter between the Stigmatine Fathers and the City and that he does not wish to intervene in any legal actions between them, he nonetheless wishes to convey his strong concern regarding this matter given his capacity as the Ordinary having canonical oversight of the Catholic Church and religious activities in the Archdiocese of Boston.

It is the Cardinal’s understanding that the Stigmatines have not made any final decision as to whether or when to dispose of the Stigmatine Property nor the extent of their continuing ministry on behalf of the Church within the Archdiocese. Given the extraordinary commitment of the Stigmatines to continuing their important mission in the Boston area and, at the same time, to provide housing and care for their retired priests, Cardinal O’Malley wishes to express his desire that the Stigmatines be permitted to continue their mission without having their property subjected to an involuntary taking by eminent domain. He feels that such action would set an unacceptable precedent that would be inconsistent with the best interests of the Church or the committed Catholics which it serves.

EX. 23

The Cardinal has asked me to convey respectfully his request that you decline taking the Stigmatine Property as has been proposed. Thank you for your assistance in this matter, and if you have any questions in regard to the foregoing, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Beirne Lovely, Jr.', written in a cursive style.

F. Beirne Lovely, Jr.
General Counsel

FBL:fbl

cc: His Eminence, Seán Cardinal O'Malley, OFM, Cap.