

HIS EXCELLENCY
MOST REVEREND MICHAEL W. FISHER
By the Grace of God and the Authority of the Apostolic See
BISHOP OF BUFFALO

**DECREE OF THE MERGER OF BLESSED SACRAMENT PARISH, TONAWANDA
AND ITS TERRITORY INTO ST. JOHN THE BAPTIST PARISH, KENMORE**

THE FACTS

The same month the Stock Market crashed in 1929, the Rev. Michael J. Fitzgerald was selected to establish Blessed Sacrament Parish in Tonawanda. The first Mass was celebrated in the Kenilworth Fire Hall on 8 December of that year. Territory was carved out of Sts. Joseph, Benedict, and John the Baptist Parishes for its formation. The first combination church/hall was finished in 1930. Due to the Great Depression, the parish grew slowly.

In 1959, a new temporary church was constructed to accommodate the needs of the faithful. The parish hosted a school from 1930 to the early 21st century. It was staffed by the Sisters of Mary Namur in the early years. The current church was finished in 1979 after a successful fundraising campaign. After the Second World War, this resilient community was rewarded with much growth and success.

Since its historic high-water mark, however, Blessed Sacrament Parish has been in decline in recent years. In September of 2022, Blessed Sacrament Parish was included in Family #17 as part of the Road to Renewal program.

The Road to Renewal has allowed the diocese to gain a more realistic picture of the financial and sacramental situations in its parishes. Blessed Sacrament Parish has been identified as a community that could benefit by being joined with its sister community in Kenmore. Additionally, due to our need to amass a substantial sum of money to settle numerous civil claims in Federal Bankruptcy Court, the possibility of alienating this property has also been suggested. This was discussed with members of the Chancery and especially with the Reverend Bryan Zielenieski, Vicar for the Renewal. As a result of these conversations, I hereby issue the following decree.

THE LAW

Because a parish is a public juridic person (cc. 116, 515 §3) and therefore established perpetually (c. 120), it can only be extinguished by legitimate authority according to the norm of law. Canon 515 §2 states, "It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to erect, suppress, nor alter notably parishes, unless he has heard the presbyteral council."

Unstated in this norm is the requirement for at least a just cause in augmenting the structure of a parish. As a parish is defined in law as "a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor (*pastor*) under the authority of the diocesan bishop" (c. 515 §1). The focus of such augmentation is primarily concerned with the pastoral care of a group of people and only secondarily interested in specific worship sites. Thus, a merger of parishes falls under the governing authority of the diocesan bishop in accord with canon 374 §1.

Following the norm of canon 121, when two public juridic persons "are so amalgamated that one aggregate, itself with a juridic personality, is formed, this new juridic person obtains the goods and patrimonial rights proper to the prior ones and assumes the obligations with which they were burdened." The eminent canonist Reverend Robert Kennedy notes, "Canon 121...focuses on what, in the United States, is called a consolidation, in which two or more juridic persons are so joined that each of them loses its own juridic identity and in their stead a new juridic person is constituted. A consolidation involves both the suppression and creation of juridic persons" ("Chapter II: Juridic Persons" in *New Commentary on the Code of Canon Law* (New York: Paulist Press, 2000) 168). Since the norm of canon 121 assumes a consolidation in which two juridic persons go out of existence to form a new juridic person from the amalgamation of the former entities, it does not strictly apply to the situation of a parochial merger in which one entity absorbs another.

When the principle of law contained in canon 121 is applied to the canonical merger of one parish into another, the receiving parish must assume all net assets and debts of the merging parish. Here the term "net assets" is used to indicate that the merging parish is responsible for paying off its debts before an accurate assessment of what constitutes the temporal goods of the merging parish can be determined. "Commutative justice," the *Catechism of the Catholic Church* reminds us, "obliges strictly; it requires...paying debts" (n. 2411). This amount, once established, will be transferred to the receiving parish. What would be a clear *a iure* transfer of assets and liabilities to a newly constituted juridic person described in canon 121, is only partially applicable to the situation of a merging parish and can thus be addressed in terms of "net assets" to be identified at a future date.

THE ARGUMENT

The reshaping of the diocese to prepare it for more effective ministry in the future requires a certain consolidation of resources. The goal of the Road to Renewal is to reduce the strain on our already limited number of priests while at the same time uniting communities to foster a greater drive to “go out to all the world and preach the Gospel to all creation” (Mk 16:15). Part of this process requires the merging of parishes and the overall reduction of physical worship sites throughout the diocese. Looking at Blessed Sacrament Parish in particular, the research and consultation done by the Office for Renewal and Development has revealed that this community has exhibited a consistent decline in sacramental life and parish involvement and would be better served by joining its resources to St. John the Baptist Parish in an extinctive merger.

On 27 August 2024, the presbyteral council met at the Catholic Center of the Diocese of Buffalo. At this meeting, I consulted the council about the possibility of merging Blessed Sacrament Parish into St. John the Baptist Parish, Kenmore. Rev. Zielenieski pointed out that there would likely only be one available priest serving in Family #17 by 2030. St. John the Baptist Parish is also being considered to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. This proposal received unanimous support from the members of the Presbyteral Council present on 27 August.

Having heard the Presbyteral Council on this issue, I have chosen to merge Blessed Sacrament Parish into St. John the Baptist Parish in accord with canon 515 §2.

Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canon 515 §2, do hereby decree that Blessed Sacrament Parish, Tonawanda be merged into St. John the Baptist Parish, Kenmore and Blessed Sacrament to be extinct thereby.

St. John the Baptist Parish will be the recipient of the net assets and liabilities of Blessed Sacrament Parish. The territorial boundaries of St. John the Baptist Parish will henceforth include:

1. the territory south of the Brighton Rd. from Oliver St. to Rails to Trails Path, south along the Rails to Trails Path to Sheridan Dr. east on Sheridan Dr. to Rte. 62;
2. the territory west of Rte. 62 from Sheridan Dr. to Longmeadow Rd. to Windermere Rd. to Princeton Ave. to Rte. 62 to Kenmore Ave.;
3. the territory east of Oliver St. at Brighton Rd. in a straight line to Sheridan Dr., west on Sheridan Dr. to Delaware Rd., south on Delaware Rd. to Kenmore Village Line south of Deerhurst; east along Village Line to Colvin Blvd. and south on Colvin Blvd. as far as Kenmore Ave.;
4. the territory north of the Kenmore Ave. from Colvin Blvd. to Rte. 62.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct Blessed Sacrament Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct Blessed Sacrament Parish must be defined and allocated according to the norm of law (cf. cc. 121-122) as interpreted by this document.

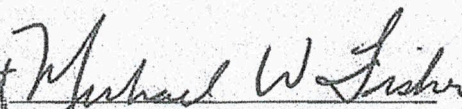
All the parish and sacramental records of the extinct Blessed Sacrament Parish are to be properly preserved and safeguarded in the parish archives of St. John the Baptist Parish, Kenmore, in accord with the norm of law.

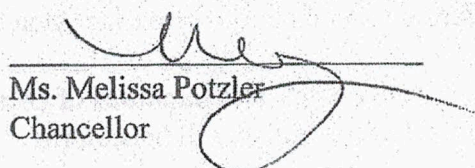
This decree is to be effective on Friday 3 January 2025.

This decree is to be communicated to the Rev. Michael Parker, the Pastor of both parishes (c. 532) and the two parishes affected by this extinctive merger (cf. cc. 7, 54 §1). Anyone who feels his or her rights have been legitimately harmed by this decree, may present a challenge by requesting its revocation or emendation to its author within ten (10) useful days from its legitimate notification. Further recourse will follow the norms of canons 1734-1739.

Given at the Chancery of the Diocese of Buffalo on this 25th day of November 2024.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor