



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 OUR LADY OF PEACE PARISH, CLARENCE AND
ITS TERRITORY INTO NATIVITY OF THE BLESSED VIRGIN MARY PARISH,
HARRIS HILL**

THE FACTS

Catholic families of the area known as Clarence Hollow originally had to travel to St. Teresa of Avila church in Akron for Sunday Mass. In 1922, these members of the faithful made their intentions known to the Rev. John Uriel, Pastor of St. Teresa of Avila Parish. He had his misgivings initially because of the overwhelming Protestant population of that area. On 11 October 1922, however, the faithful realized their dream and attended the dedication ceremonies of their new church presided over by Bishop William Turner, Bishop of Buffalo.

In September of 1930, the Rev. John J. Kelly was appointed as the first resident Pastor of the newly formed Our Lady of Peace Parish. By the time Rev. John O'Malley arrived as Pastor in 1963, the original church was no longer adequate for the growing congregation. A larger church was dedicated in 1965; a year which also saw the completion of a combination rectory/religious education center. Bishop Henry Mansell celebrated a second dedication ceremony in the new church on 11 October 1997 in celebration of the parish's 75th anniversary.

Since its foundation, Our Lady of Peace has faithfully served those entrusted to its care by reason of geographical territory. Recently, it has found a special ministry to the retirement communities located within its boundaries including the Claremont and Montabaur Heights. In September of 2022, Our Lady of Peace Parish was included in Family #15 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. Our Lady of Peace Parish has been identified as a community that could benefit by being joined with its sister community in Harris Hill. 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 Our Lady of Peace Parish in particular, the research and consultation done by the Office for Renewal and Development has revealed that this community would be better served by joining its resources to Nativity of the Blessed Virgin Mary 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 Our Lady of Peace Parish into Nativity of the Blessed Virgin Mary Parish, Harris Hill. Rev. Zielenieski pointed out that there would likely only be two available priests serving in Family #15 by 2030. Nativity of the Blessed Virgin Mary Parish is also being considered to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. During the consultation, points were raised that indicated to me that further reflection was necessary. I again consulted the Presbyteral Council on 8 October 2024. The elements of the counter proposal that were deserving of discernment were again presented. These included the desire to merge Our Lady of Peace into St. Teresa of Avila, Akron, the request from parishioners of Our Lady of Peace to remain independent, and the substantial community of +55-year-old communities in the current parochial territory of Our Lady of Peace Parish. After a vote, the Council revealed its opposition to the merger with 6 members voting in favor, 11 voting against, and 4 abstaining.

Having heard the Presbyteral Council on this issue, I have chosen to merge Our Lady of Peace Parish into Nativity of the Blessed Virgin Mary 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 Our Lady of Peace Parish, Clarence be merged into Nativity of the Blessed Virgin Mary Parish, Harris Hill and Our Lady of Peace to be extinct thereby.

Nativity of the Blessed Virgin Mary Parish will be the recipient of the net assets and liabilities of Our Lady of Peace Parish. The territorial boundaries of Nativity of the Blessed Virgin Mary Parish will henceforth include:

1. the territory south of Roll Rd. at Rte. 78 east to Goodrich Rd.; north on Goodrich Rd. to Keller Rd.; east on Keller Rd. to Davidson Rd.; south on Davidson Rd. to Clarence Town Line and south to Clarence Center Rd.; Clarence Center Rd. east to Barnum Rd.;

2. the territory west of Salt Rd. from Keller Rd. to Clarence Center Rd.; east on Clarence Center Rd. to Barnum Rd.; south on Barnum and Millgrove Rds. to Genessee Rd. (Rte. 33);
3. the territory east of Transit Rd. (Rte. 78) from Wehrle Dr. to Greiner Rd.; west on Greiner Rd. to Harris Hill Rd.; north on Harris Hill Rd. to Roll Rd.;
4. the territory north of Wehrle Dr., Lancaster Town Line to Gunnville Rd.; south on Gunnville Rd. to NYS Thruway; east on NYS Thruway to Ransom Rd. to Genessee St. as far as Millgrove Rd.

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

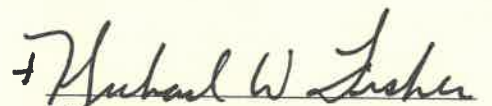
All the parish and sacramental records of the extinct Our Lady of Peace Parish are to be properly preserved and safeguarded in the parish archives of Nativity of the Blessed Virgin Mary Parish, Harris Hill, in accord with the norm of law.

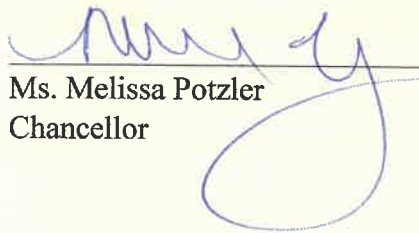
This decree is to be effective on Sunday 8 June 2025.

This decree is to be communicated to the Rev. Thomas M. Mahoney, 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 19th day of November 2024.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor