



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

**DECREE THE MERGER OF ST. JOHN THE BAPTIST PARISH, WEST VALLEY AND
ITS TERRITORY INTO ST. MARY PARISH, ARCADE**

THE FACTS

The community of Springville established a missionary presence in West Valley in 1860 under the direction of the Reverend John Ahrend. On 30 June 1883, the mission was established as a civil corporation and canonical parish. It would not be until 1904 that the St. John the Baptist mission received its first resident pastor, the Reverend Michael Weber, and formally separated from its mother community in Springville.

Land was soon purchased from Mr. William Holden. The first church of St. John the Baptist was completed in 1885 with the first Mass being celebrated in its unfinished walls on New Years Day of that year. Originally, the parish consisted of around forty families. In 1938 the parish boasted around seventy-four families.

The parish opened a school in 1906 which, at that time, only had two classrooms. The teaching staff at that time was made up of members of the Sisters of St. Francis whose motherhouse was in Williamsville. In 1944 the student population numbered some sixty-nine pupils. In the 1960s the school was torn down.

Since its foundation, St. John the Baptist Parish, West Valley has served the faithful of the immediate area. Spurred on by its initial growth, it has been sustained by its parishioners for over one hundred years. Recently, however, the initial upward trend has subsided. With changing demographics and population shifts, the successes of St. John the Baptist Parish have given way to decline.

In September of 2022, St. John the Baptist Parish was included in Family #33 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. St. John the Baptist Parish has been identified as a community that could benefit by being joined with its sister community in Arcade. 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 a portion of 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. 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 St. John the Baptist 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 St. Mary Parish in an extinctive merger.

On 30 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 St. John the Baptist Parish into St. Mary Parish, Arcade. Rev. Zielenieski pointed out that there would likely only be one available priest serving in Family #33 by 2030. St. Mary Parish has already begun 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 30 August.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. John the Baptist Parish, West Valley into St. Mary Parish, Arcade 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 St. John the Baptist Parish, West Valley be merged into St. Mary Parish, Arcade and St. John the Baptist to be extinct thereby.

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

1. the territory south of Genesee Rd. to Moore Rd., east from where Moore Rd. terminates into Trevette Rd. to where Sharp Rd. terminates into Springville Boston Rd., Sharp Rd. to Morse Rd. and Morse and Foote Rd. to the Township of Sardinia; north along the Town Line until Crump Rd.; the Northern Town Line of Sardinia and the Northern Town Line of Eagle as far as Rte. 362;
2. the territory west of Eastern Town Line of Freedom, southern Town Line of Eagle as far as Centerville Rd, Centerville Rd and Rte. 362; Krepps Rd. to North Sisson Rd., Malpe

- Vally Rd. and Rte. 242 as far as the northern Town Line of Franklinville; northern and western Town Lines of Franklinville;
3. the territory east of Rtes. 12 and 14 between Rte. 13 and Cattaraugus Creek; Grote Rd. and Mortons Corners Rd., from Zoar Valley Rd. to Genesee and Moore Rd. from Genesee to Trevett Rd. to Rte. 219; the western boarder of the Town of Sardinia;
 4. the territory north of Cattaraugus Creek from Grote Rd. to Rte. 12; the Southern boundary of the Township of East Otto from Rte. 14 extended to the southern boundary of the Town of Machias as far as Rte. 242.

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

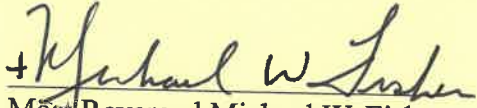
All the parish and sacramental records of the extinct St. John the Baptist Parish are to be properly preserved and safeguarded in the parish archives of St. Mary Parish, Arcade, in accord with the norm of law.

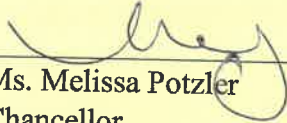
This decree is to be effective on Saturday 17 May 2025.

This decree is to be communicated to the Rev. Daniel Fawls, 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 28th day of January 2025.




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Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor