



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

**DECREE REDUCING THE CHURCH OF ST. MARY, EAST ARCADE AND ITS
ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE**

THE FACTS

The presence of the Catholic Church in East Arcade can be traced to the early nineteenth century. A major industrial draw to this region was first the construction of the Erie Canal and later the Genesee Valley Canal and New York & Erie Railroad. Due to the Great Hunger of 1845-1852, the population of Irish Catholics in this area grew substantially. The first church was constructed in 1846 on land donated to Bishop John Hughes of New York by Hermon and Eleanor Wilson. The Rev. James Flynn served as the first resident pastor.

A larger church was soon needed by the growing population. Thanks to the generosity of another local couple, Mr. and Mrs. Edward and Mary Sullivan, and Ms. Anna Sullivan of Colorado, more land was deeded to the parish. Construction began in 1892. In 1944, this church was deemed to be too big for the needs of the congregation and too expensive to heat in the winter. The decision was made to use material from the nineteenth century church to build a smaller sacred edifice on the same site. This was completed soon thereafter.

For much of St. Mary's history, the parish was attended to by neighboring pastors. This area has consistently shared resources so that all the neighboring parishes could provide spiritual care for local members of the faithful. For many years, St. Mary church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of Wyoming County. The church has known many wonderful Pastors and Administrators since its foundation.

A study conducted as part of the Journey in Faith and Grace initiative determined that, given the changing demographics of the parish territory, there was a need to consolidate the territory and discontinue the existence of St. Mary an independent parish. Consequently, it was decreed to be merged with SS. Peter and Paul Parish, Arcade and Blessed Sacrament Parish,

Delavan on 14 September 2007 with an effective date of 1 September 2007. The new parish took the name St. Mary with the parish church being designated as SS. Peter and Paul, Arcade.

The Road to Renewal again studied the demographics of the area surrounding Arcade and East Arcade. In September of 2022, St. Mary Parish was united to a cluster of neighboring parish communities to form Family #33. The same study determined that St. Mary church was no longer a necessary worship site for the parish of the same name. St. Mary Parish already has a large parish church in SS. Peter and Paul capable of accommodating the faithful from the entire parochial territory. Due to the fact that St. Mary Parish foresees itself laboring under financial strains, a future prediction of a lack of priests, the coming need to contribute toward the diocesan Chapter 11 Bankruptcy settlement, and the need to better equip itself for future ministerial opportunities, it was proposed to alienate the sacred edifice and relevant property of St. Mary church.

THE LAW

Canon 1212 remarks, "Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact." A church can remain in relatively good structural condition and still be reduced to profane use if it is no longer needed or if it cannot be sustained by the means at the disposal of the parish who uses it.

Canon 1222 §2 states, "Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can regulate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby." Here the necessity of a grave cause stands out as the essential motivating factor for such reduction of "a sacred building designated for divine worship to which the faithful have the right of entry" (c. 1214). Additionally, the bishop must have previously consulted both the presbyteral council and those who have a legal claim on some aspect of the church building. Following the general norm of canon 50, although not strictly speaking required by the present canon, it is also advisable to consult with those who will be affected by the closure. With this consultation in mind, as long as the good of the faithful is not seriously inconvenienced, a church building may be reduced for profane/secular use.

Regarding the grave cause required by this canon, the 2013 Instruction from the Congregation for Clergy helpfully points out that, "To assess the gravity of a cause, each must be considered individually, weighing the whole context of the situation. At times, the gravity of a cause will arise only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation" ("Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same" *Jurist* 73 [2013] 217). This Dicastery clearly establishes that a diocesan

bishop is not bound to produce only one grave cause to be able to utilize canon 1222 §2, a constellation of just causes taken together are also sufficient.

Canon 1238 §2 makes clear that “Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.” The first paragraph of this canon points the reader back to canon 1212 which discusses the loss of dedication or blessing begin dependent on destruction of the sacred place or object, or its being turned over to profane use “by decree of the competent ordinary.” Thus, applying this norm to the altar(s) of a church, they must be mentioned specifically if they are to be included in the reduction of the sacred building.

THE ARGUMENT

In assessing the ongoing pastoral care of those who have traditionally worshiped at St. Mary church, it is necessary to point out that, from the front door of St. Mary church, SS. Peter and Paul church (St. Mary Parish) is 5.5 miles away and St. Aloysius church is 13.9 miles away. These are not unreasonable distances for a rural environment typical in this part of the diocese. In fact, the vast majority of the individuals who worship at St. Mary church arrive by automobile. The distance to either of the abovementioned churches will not add more than fifteen minutes for those who have until now been worshipping at St. Mary church.

On 30 August 2024, I consulted the Presbyteral Council regarding the potential reduction of the church building to profane but not sordid use. Reasons for the reduction and alienation included the need to reduce financial strain on St. Mary Parish, the shortage of priests available for ministry in the area, the assessment of those in charge of the Road to Renewal initiative, and a need to generate income to contribute to the diocesan Chapter 11 Bankruptcy settlement. The community who worships at St. Mary church put forward a counter proposal in which it pointed out the usefulness of its property for fundraising and social events. These considerations were discussed, and each member of the Council had the opportunity to vote. The Council decided nearly unanimously to support the proposition for closure of the site.

I further consulted the archives of the Diocese of Buffalo to see if any individual could be identified as claiming legitimate rights regarding the church or its property. The land purchased for the construction of the church is owned by the parish corporation with no restrictions for future use. This search being completed, no individuals or heirs were identified who qualify for this consideration.

Considering the inability of St. Mary Parish to maintain their current quantity of worship sites and buildings going forward, in addition to the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce St. Mary church to profane but not sordid use following the norm of canon 1222 §2.

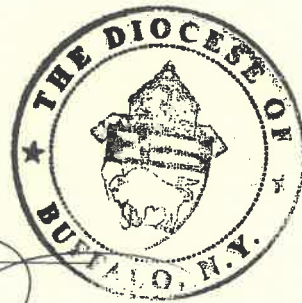
Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2 do hereby decree that the church of St. Mary, located at 6785 East Arcade Road, Arcade, New York 14009, be reduced to profane but not sordid use. In addition to the church building itself, I decree that all altars within the church lose their consecration, dedication, or blessing by this same decree (c. 1238).

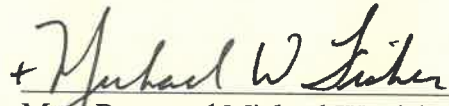
This decree is to be effective on Monday 19 May 2025.

This decree is to be communicated to the Rev. Daniel J. Fawls, the Pastor of St. Mary Parish, Arcade (c. 532) and both the churches within that territory (cf. cc. 7, 54 §1). Anyone who feels his or her rights have been illegitimately 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 4th day of February 2025.


Ms. Melissa Potzler
Chancellor




+ Michael W. Fisher
Most Reverend Michael W. Fisher
Bishop of Buffalo