



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. JOSEPH PARISH, HOLLAND AND ITS TERRITORY
INTO ST. MARY PARISH, ARCADE**

THE FACTS

The beginnings of a parish in Holland, New York can be traced back to 1886. With the blessing of Bishop Steven Michael Vincent Ryan, the parish community of East Aurora set up a mission church in Holland to serve the people of the surrounding area. The first church, which burned down in 1918, was dedicated by the same Bishop Ryan in 1886.

St. Joseph Parish was officially founded on 5 October 1924. The Reverend John Klimek was assigned to St. Joseph as its first resident pastor and served in that post until 1930. He established the second church of this new parish by converting a house on Main Street into a church/rectory. This building was demolished in 1968, and a new church was constructed which stands today.

For years the parish community of St. Joseph Parish has faithfully served the town of Holland and the surrounding area. Since the parish was never able to support a Catholic school, they invested as heavily as they could in their religious education program. In September of 2022, St. Joseph Parish was included in Family #6 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. Joseph Parish has been identified as a community that could benefit by being moved from Family #6 to Family #33 and joined with its neighboring community in Arcade. 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. Joseph 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. Joseph 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. Joseph Parish, Holland 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. Joseph Parish, Holland be merged into St. Mary Parish, Arcade and St. Joseph to be extinct thereby.

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

1. the territory south of Genesee Rd. from Mortons Corners Rd. to Moore Rd., east from where Trevette Rd. meets Rte. 219 to where Sharp Rd. terminates into Springville Boston Rd., Sharp Rd. to Morse Rd. and Morse and Foote Rd. to the Township of Sardinia; Emery Rd. from Center St. to Rte. 16, east in an invisible line to Warner Hill Rd., Warner Hill Rd. to Hunters Creek Rd.; the Northern Town Line of Sardinia and the Northern Town Line of Eagle as far as Rte. 362;
2. the territory west of Hunters Creek Rd. from Warner Hill Rd. to northern Town Line of Sardinia; 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

- Genessee to Trevett Rd. to Rte. 219; the western boarder of the Town of Sardinia to Center St., and Center St. north as far as Emery Rd.;
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. Joseph Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Joseph Parish must be defined and allocated according to the norm of law (cf. cc. 121-122) as interpreted by this document.

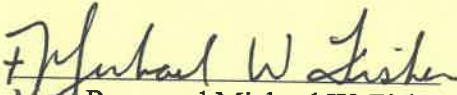
All the parish and sacramental records of the extinct St. Joseph Parish are to be properly preserved and safeguarded in the parish archives of St. Mary Parish, Arcade, in accord with the norm of law.

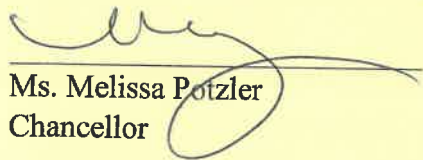
This decree is to be effective on Monday 19 May 2025.

This decree is to be communicated to the Rev. Gerard Skrzynski and the Rev. Daniel Fawls, the Pastors of St. Joseph Parish and St. Mary Parish respectively (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.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor