



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 ST. BENEDICT PARISH, EGGERTSVILLE AND ITS
TERRITORY INTO ST. LEO THE GREAT PARISH, AMHERST**

THE FACTS

The parish of St. Benedict was named to honor both the founder of Western monasticism and Pope Benedict XV who occupied the seat of Peter at that time. Bishop William Turner entrusted the foundation of this new parish to a young Irish priest, the Rev. William F. Tobin. The first parish Mass, attendee by some fifty people, was celebrated at the local fire hall on 21 November 1920. Land was purchased from Mr. Jacob Brunner in 1921 for the building of a church. This first church, a simple wooden structure, was completed in July of 1921 and served the community for ten years.

By God's grace, natural gas was discovered on the property. This was harnessed to heat the church and rectory. Other fundraising efforts rendered the parish debt free by 1923. 1930 saw the beginning of construction on a new combination church/school. Around the same time, the administration of the school, which had been operating since 1921, was turned over to the Sisters of St. Francis of Penance and Christian Charity from the Sisters of St. Francis, Williamsville. The school would swell to over 1,000 students in 1959. Since then, it has maintained a healthy enrollment and continues to be the pride of the parish today.

Construction on the current church began on 3 June 1950 and resulted in the current sacred edifice currently standing at 1317 Eggert Road. During the pastorate of Rev. Msgr. John Ryan (1981-2001), an interparish exchange program united St. Benedict Parish with St. Marien Parish in Dortmund, Germany. St. Benedict Parish has consistently shown itself to be a community of generous and loving Christians who are not hesitant to reach out to the neighbor in need.

In July of 2023, St. Benedict Parish was included in Family #16 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. Benedict Parish has been identified as a community that could benefit by being joined with its sister community in Amherst. 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 St. Benedict 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. Leo the Great 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 St. Benedict Parish into St. Leo the Great Parish, Amherst. Rev. Zielenieski pointed out that there would likely only be two available priests serving in Family #16 by 2030. St. Leo the Great Parish is also being considered a site where efforts to centralize pastoral ministry and increase evangelization can be realized. This proposal received nearly 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 St. Benedict Parish into St. Leo the Great 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 St. Benedict Parish, Eggertsville be merged into St. Leo the Great Parish, Amherst and St. Benedict to be extinct thereby. The church of St. Benedict will continue to be utilized as a secondary worship site of St. Leo the Great Parish. It is hoped that the merging of these two faith communities will provide a vibrant and collaborative witness of the Catholic faith for today.

St. Leo the Great Parish will be the recipient of the net assets and liabilities of St. Benedict Parish. The territorial boundaries of St. Leo the Great Parish will henceforth include:

1. the territory south of Rte. 290 and Rte. 990 to Sweet Home Rd., south on Sweet Home Rd. to Skinnerville Rd., east on Skinnerville Rd. to Ellicott Creek;
2. the territory west of Niagara Falls Blvd. (Rte. 62) from Rte. 290 to Longmeadow Rd., east on Longmeadow to Windermere Blvd., south on Windermere Blvd. to Kenmore Ave. to Main St. (Rte. 5) to Bailey Ave. (Rte. 62) and south to the City Line;

3. the territory east of Ellicott Creek from Skiddersville Rd. to Sheridan Dr., west on Sheridan to Harlem Rd. (Rte. 240), south on Harlem to Kings Hwy. west on Kings Hwy. to Washington Hwy. and Washington Hwy. south to the City Line;
4. the territory north of the Buffalo City Line and Cheektowaga Town Line.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Benedict Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Benedict 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. Benedict Parish are to be properly preserved and safeguarded in the parish archives of St. Leo the Great Parish, Amherst, 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. David A. Bellittiere, 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 17th day of December 2024.



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

Melissa Potzler
Ms. Melissa Potzler
Chancellor