



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 MOTHER OF GOOD COUNSEL PARISH,
BLASDELL AND ITS TERRITORY INTO OUR LADY OF THE SACRED HEART
PARISH, ORCHARD PARK**

THE FACTS

The now Venerable Nelson Baker founded Our Mother of Good Counsel Parish in 1905. Land was purchased the same year, and a small combination church/school was completed the following year. The Rev. Lawrence Fell was appointed Pastor of the new parish in 1908. 1918 would see more construction. In that year two new buildings were constructed: a convent and a social hall.

When the Rev. Edward Roche was appointed in 1949 it became obvious that a new church would be required. This project was completed in 1953 and constitutes the present church building on South Park Ave. Under the direction of the same Pastor, the parish also built a Catholic school which contributed to the education of the young until 2004 when it was closed. The original convent burned down in 1960 and was replaced by the present convent in September of 1962.

Since its beginning, Our Mother of Good Counsel has known many good, faithful Pastors and lay leaders. In September of 2022, Our Mother of Good Counsel Parish was included in Family #26 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 Mother of Good Counsel Parish has been identified as a community that could benefit by being joined with its sister community in Orchard Park. 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 Mother of Good Counsel 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 Our Lady of the Sacred Heart 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 Mother of Good Counsel Parish into Our Lady of the Sacred Heart Parish, Orchard Park. Rev. Zielenieski pointed out that there would likely only be three available priests serving in Family #26 by 2030. Our Lady of the Sacred Heart Parish is also being considered to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. 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 Our Mother of Good Counsel Parish into Our Lady of the Sacred Heart 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 Mother of Good Counsel Parish, Blasdell be merged into Our Lady of the Sacred Heart Parish, Orchard Park and Our Mother of Good Counsel to be extinct thereby.

Our Lady of the Sacred Heart Parish will be the recipient of the net assets and liabilities of Our Mother of Good Counsel Parish. The territorial boundaries of Our Lady of the Sacred Heart Parish will henceforth include:

1. the territory south of Fisher Rd. from Rte. 240 to Rte. 90, south on Rte. 90 to Willet Rd., east on Willet Rd. to South Park (Rte. 62), north on South Park to Roland Ave., west on Roland Ave. to the Western Town Lines of Lackawanna and Blasdell;
2. the territory west of Conrail/Norfolk tracks from Roland Ave. to Blasdell City Line; City Line of Blasdell to Conrail/Norfolk Tracks as far as Bayview Rd.;
3. the territory east of Rte. 240 from Rte. 20 to Fisher Rd.;
4. the territory north of the Bayview Rd. from the Conrail/Norfolk Tracks to Big Tree Rd.; Big Tree Rd. west to California Rd, north on California Rd. to Rte. 20, Rte. 20 as far as Rte. 240.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct Our Mother of Good Counsel Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct Our Mother of Good Counsel 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 Mother of Good Counsel Parish are to be properly preserved and safeguarded in the parish archives of Our Lady of the Sacred Heart Parish, Orchard Park, in accord with the norm of law.

This decree is to be effective on Friday 31 January 2024.

This decree is to be communicated to the Rev. Adolph M. Kowalczyk, 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 18th day of November 2024.



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

[Signature]
Ms. Melissa Potzler
Chancellor