



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 INFANT OF PRAGUE PARISH, CHEEKTOWAGA
AND ITS TERRITORY INTO SS. PETER AND PAUL PARISH, WILLIAMSVILLE**

THE FACTS

In a forward-looking plan conceived by the priests assigned to Our Lady Help of Christians Parish in 1946, it was thought to suggest to Bishop O'Hara that land be purchased for the future erection of parishes in that part of Cheektowaga. The plan materialized instantly and, on 1 June 1946, the Rev. Msgr. John N. Henesey was appointed as the first pastor of the recently formed Infant of Prague Parish. One hundred fifty individuals attended the first Mass within the limits of the parish territory. This was held in a canvas tent on 9 June 1946, the Solemnity of Pentecost that year.

A temporary structure was set up to house worship services while the parish church was being built. From 1959 to 1961, the current church was under construction. It was dedicated during the pastorate of the Rev. Msgr. Maurice Woulfe on 10 June 1962. This same priest led the community of Infant of Prague through the adjustments brought about by the Second Vatican Ecumenical Council. He is also credited with placing the new Infant of Prague statue at the top of the cupula, a fiberglass reproduction of the wood original.

After significant renovations to the church in 1977 and 1978, the space was rededicated by Bishop Head on 5 November 1978. A school was also a part of the parish community from 1947 to 2007. Originally staffed by the Sisters of St. Francis, the school not only functioned as a Catholic grammar school but also a center of Christian formation for those who attended local public schools.

Infant of Prague Parish hosted many events, clubs, ministries, and social activities over the years. In 1991, a new parish center/rectory was completed which allowed for these offerings to continue and expand. Contemporarily, Infant of Prague Parish is known for its annual lawn fate which is always staffed by generous and enthusiastic volunteers.

During the Journey in Faith and Grace initiative, Bishop Edward Kmiec merged Mother of Divine Grace Parish into Infant of Prague Parish. This merger resulted in the closure of Mother of Divine Grace church and took effect on the Feast of St. Francis of Assisi 2009.

In July of 2023, Infant of Prague 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. Infant of Prague Parish has been identified as a community that could benefit by being joined with its neighboring community in Williamsville. 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 Infant of Prague 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 SS. Peter and Paul 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 Infant of Prague Parish into SS. Peter and Paul Parish, Williamsville. Rev. Zielenieski pointed out that there would likely only be two available priests serving in Family #16 by 2030. SS. Peter and Paul Parish is also being considered as a future hub of pastoral ministry and efforts for evangelization. It was also noted at this meeting that this plan was presented to the diocese as a whole and the faithful, in conjunction with their pastors, were given the opportunity to comment on the propositions. Infant of Prague recommended that they be allowed to remain an independent parish or, if not, that they maintain the use of their worship site in a merger. In the end, these voices did not prevail. 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 Infant of Prague Parish into SS. Peter and Paul 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 Infant of Prague Parish, Cheektowaga be merged into SS. Peter and Paul Parish, Williamsville and Infant of Prague to be extinct thereby.

SS. Peter and Paul Parish will be the recipient of the net assets and liabilities of Infant of Prague Parish. The territorial boundaries of SS. Peter and Paul Parish will henceforth include:

1. the territory south of Wehrle Dr. from Roycroft to Union Rd. (Rte. 277) and Sheridan Dr. from N. Forest to Transit Rd. (Rte. 78);
2. the territory west of Transit Rd. (Rte. 78) from Sheridan to Aero Dr.; Cayuga Dr. from Wehrle to Cleveland Dr.; Cleveland Dr. to Union Rd (Rte. 277), south on Union to Penkofer Dr.; Penkofer Dr. to Beach Rd. to the 33 Expressway, 33 Expressway west to the NYS Thruway and the NYS Thruway south to Genessee St.;
3. the territory east of Harlem Rd. from Genessee St. to the 33 Expressway, east on the 33 Expressway to Woodbridge Rd., north on Woodbridge Rd. to Huth Rd., west on Huth to imaginary line extending north to Roycroft Rd., Roycroft Rd. north to Wehrle Dr.; S. Forest Rd. from Wehrle Dr. to Queen Pl., west on Queen Pl. to Royal Pkwy W., Royal Pkwy W. north of Main St., Main St. east to Park Club Ln., Park Club Ln. north to N. Forest Rd., N. Forest Rd. to Sheridan Dr.;
4. the territory north of Genessee St. from Harlem Rd (Rte. 240) to NYS Thruway; Wehrle Dr. from Cayuga Rd. to Aero Dr., Aero Dr. to Transit Rd. (Rte. 78).

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct Infant of Prague Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct Infant of Prague 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 Infant of Prague and Mother of Divine Grace Parishes are to be properly preserved and safeguarded in the parish archives of SS. Peter and Paul Parish, Williamsville, in accord with the norm of law.

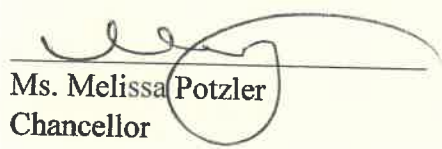
This decree is to be effective on Friday 6 June 2025.

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.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor