



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. JOHN VIANNEY PARISH, ORCHARD PARK AND
ITS TERRITORY INTO QUEEN OF HEAVEN PARISH, WEST SENECA**

THE FACTS

In the late 1950s the amount of faithful attending Queen of Heaven Parish and Nativity of our Lord Parish had grown beyond what these churches could reasonably handle. Thus, on the 2nd of June in 1958, the Most Reverend Joseph Burke erected St. John Vianney Parish in Orchard Park. He appointed the Rev. Edmund Dietzel as the first Pastor five days later.

Land was soon purchased on Michael Road. On 15 June 1958 the first parish Mass was celebrated on a temporary outdoor altar in recently cleared parking area of the new property. July of that same year saw the breaking of ground for the new church. The instruction from Bishop Burke was to construct something large enough to double as an auditorium for a future high school. The church was in an acceptable state of completion in November of 1958 to hold the first Mass, albeit without the presence of pews. On 7 December 1958, the parish celebrated the baptism of Ms. Diane Knitter, the first in the history of the parish.

In the early years of the parish, children attended school at Queen of Heaven. The class sizes grew to such an extent that the Pastor of Queen of Heaven suggested that St. John Vianney should consider having its own school. This school was fully realized in 1960. Originally staffed by the Sisters of Mercy of Buffalo, the school continues in use today.

The original church was outgrown within 20 years of the parish's foundation. In 1987 a cornerstone was laid for the present church with was completed the following year and dedicated on 27 August 1988. In 1989, the parish recorded 1,778 baptisms, 311 marriages, 2,117 Confirmations, 336 burials, and 2,566 first communions throughout its history.

In July of 2023, St. John Vianney Parish was included in Family #7 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. John Vianney Parish has been identified as a community that could benefit by being joined with its parent community in West Seneca. 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. 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. John Vianney 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 Queen of Heaven 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. John Vianney Parish into Queen of Heaven Parish, West Seneca. Rev. Zielenieski pointed out that there would likely only be three available priests serving in Family #7 by 2030. Queen of Heaven Parish is already set to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization.

Specific justification for this merger is mostly tied to the negative net operating balance of the parish. Originally, the proposal was to keep the church open as a secondary worship site of Queen of Heaven Parish. When this proposal was made known to the St. John Vianney Parish, they were given the chance to submit a counterproposal. This resulted in the parish suggesting that it sell some unused land and that another parish in the Family be merged and closed. A major point of discussion was the future of the Catholic school attached to the parish. The members of the Presbyteral Council were informed that a subsequent Catholic Schools strategic plan was in the works and would address the issue of the parochial school. The plan was that the school would work with neighboring parochial schools and close by the end of the 2024-2025 academic year. After the consultation, the members of the Council had the chance to vote on the merger proposal. This received nearly unanimous support from the members of the Presbyteral Council present on 27 August. Plans for relegating St. John Vianney church to profane but not sordid were also discussed and will be executed in the future decree.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. John Vianney Parish into Queen of Heaven 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. John Vianney Parish, Orchard Park be merged into Queen of Heaven Parish, West Seneca and St. John Vianney to be extinct thereby.

Queen of Heaven Parish will be the recipient of the net assets and liabilities of St. John Vianney Parish. Taking into account the 12 November 2024 decree merging St. John XXIII Parish into Queen of Heaven which has been challenged and whose execution is suspended until all avenues of hierarchical recourse have been exhausted, the presently merged territorial boundaries of Queen of Heaven Parish will henceforth include:

1. the territory south of Cayuga Creek from Buffalo Creek to Slate Bottom Creek. Slate Bottom Creek to the old Railroad Tracks and north to Losson Rd., east on Losson to where East Mulberry St. would connect in a straight-line south to the Town Line of Cheektowaga, east along the Town Line to Borden Rd.;
2. the territory west of Transit Rd. from Milestrip Rd. to Rte. 400, Rte. 400 west to where Borden Rd. would connect through imaginary line north;
3. the territory east of Orchard Park Rd. from Milestrip Rd. to Cazenovia Creek, Cazenovia Creek to the Norfolk Railroad Tracks, north on the Tracks to Buffalo Creek, northwest along Buffalo Creek to intersection with Cayuga Creek;
4. the territory north of Milestrip Rd. from Orchard Park Rd. to Transit Rd.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. John Vianney Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. John Vianney Parish must be defined and allocated according to the norm of law (cf. cc. 121-122) as interpreted by this document.

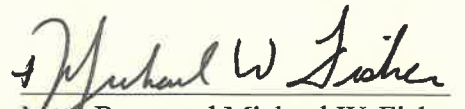
All the parish and sacramental records of the extinct St. John Vianney Parish are to be properly preserved and safeguarded in the parish archives of Queen of Heaven Parish, West Seneca, in accord with the norm of law.

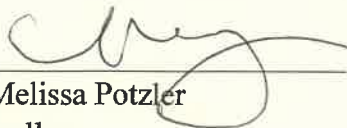
This decree is to be effective on Saturday 7 June 2025.

This decree is to be communicated to the Rev. Gregory M. Faulhaber, S.T.D., the Moderator of the priests *in solidum* assigned to care for both parishes (c. 520 §1) 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 19th day of March 2025, the Solemnity of St. Joseph.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor