



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. MAXIMILIAN KOLBE PARISH, CORFU AND
ITS TERRITORY INTO RESURRECTION PARISH, BATAVIA**

THE FACTS

The Journey of Faith and Grace initiative observed an opportunity to consolidate pastoral services in the towns of Corfu and East Pembroke, New York. The parishes in these regions were seen as close cultural neighbors and could only benefit from sharing services and ministries. Thus, on 25 August 2009, the Most Reverend Edward U. Kemic issued a decree merging St. Francis of Assisi Parish, Corfu and Holy Name of Mary Parish, East Pembroke into the new parish of St. Maximilian Kolbe, Corfu. Although not specified by the decree, the parish church has consistently been understood to be St. Francis of Assisi church.

Under the patronage of this modern Saint, St. Maximilian Kolbe Parish provided pastoral care for the faithful in the surrounding region. Aiding the more rural communities of the Diocese of Buffalo, this parish has been expected to cover a wide geography since its inception in 2009. In September of 2022, St. Maximilian Kolbe Parish was included in Family #13 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. Maximilian Kolbe Parish has been identified as a community that could benefit by being joined with its sister community in Batavia. 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. Maximilian Kolbe 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 Resurrection 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. Maximilian Kolbe Parish into Resurrection Parish, Batavia. Rev. Zielenieski pointed out that there would likely only be three available priests (1 Diocesan and 2 Mercedarians) serving in Family #12 by 2030. Resurrection Parish was also considered 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 27 August.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. Maximilian Kolbe Parish into Resurrection 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. Maximilian Kolbe Parish, Corfu be merged into Resurrection Parish, Batavia and St. Maximilian Kolbe to be extinct thereby.

Resurrection Parish will be the recipient of the net assets and liabilities of St. Maximilian Kolbe Parish. The territorial boundaries of Resurrection Parish will henceforth include:

1. the territory south of the Northern Town Line of Pembroke and Batavia to Byron-Stafford Rd.;
2. the territory of that part of the Township of Stafford that is north of Rte. 5 and west of Byron-Stafford Rd.;
3. the territory east of the Erie County Line to the NYS Thruway; NYS Thruway west to South Newstead Rd.; South Newstead Rd. and Peters Corners Rd. to North Rd.;
4. the territory north of North Rd. and Summer Rd. to Colby Rd.; Colby Rd. north to the Town Line; Town Line eastward to Ret. 63; north on Batavia-Stafford Townline Rd. to Rte. 5 and east on Rte. 5 to Byron-Stafford Rd.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Maximilian Kolbe Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Maximilian Kolbe 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. Maximilian Kolbe Parish, St. Francis of Assisi Parish, and Holy Name of Mary Parish are to be properly preserved and safeguarded in the parish archives of Resurrection Parish, Batavia, in accord with the norm of law.

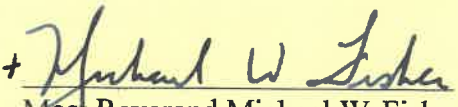
This decree is to be effective on Friday 22 November 2024.

This decree is to be communicated to the Rev. Scottston Brentwood, O. de M., J.C.L., the Moderator of the priests *in solidum* assigned to care for Resurrection Parish (c. 520 §1), the Rev. George Devanapalle, Administrator of St. Maximilian Kolbe Parish (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 October 2024.



Ms. Melissa Potzler
Chancellor

+ 
Most Reverend Michael W. Fisher
Bishop of Buffalo