



HIS EXCELLENCY
MOST REVEREND MICHAEL W. FISHER
By the Grace of God and the Authority of the Apostolic See
BISHOP OF BUFFALO

DECREE REDUCING THE CHURCH OF IMMACULATE CONCEPTION, EAST BETHANY AND ITS ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE

THE FACTS

The Buffalo Missionary Apostolate was pastoral program that served the Diocese of Buffalo in the middle portion of the twentieth century. The goal during those years was to provide sacramental ministry in rural areas of the diocese while at the same time offering newly ordained priests an opportunity to serve as an Administrator of a small country parish. At the time of the construction of Immaculate Conception church in East Bethany, New York, the Reverend Monsignor John J. Neylon was in charge of this outreach.

A 1953 census revealed that a fair number of Catholics lived in the immediate area of the town of East Bethany. This resulted in the construction of a church in that town and the establishment of a new parish which would be part of the aforementioned Buffalo Missionary Apostolate. On 4 May 1954, ground was broken on what would soon become Immaculate Conception church.

Funds for the project were donated by Mr. and Mrs. Joseph C. Troidl and the land on which the church was built was purchased from Mr. and Mrs. Raymond and Ruby Estes. The church was dedicated on 16 October 1955 by the Most Reverend Leo R. Smith, Titular Bishop of Marida and Auxiliary Bishop of Buffalo. Prior to its official dedication, the first Mass was celebrated by Reverend James R. McGrath on 24 October 1954 with a subsequent first High Mass being celebrated by the Very Reverend Monsignor John J. Neylon on 7 November 1954.

For many years, Immaculate Conception church served its intended purpose of providing a sacred building dedicated to divine worship for the people of East Bethany and surrounding areas. The church has known many young priest Administrators and, since 1960, resident Pastors.

During the Journey in Faith and Grace initiative, on 1 September 2010, Immaculate Conception Parish, East Bethany was joined to St. Mary Parish, Pavilion to form the new Mary Immaculate Parish. The decree effecting this change states that the parish will be known as "Mary Immaculate Parish, Pavilion, NY." Thus, even though the parish offices were originally located on the campus of Immaculate Conception church, St. Mary church in Pavilion was implicitly designated the parochial church for this newly formed community of the faithful.

In September of 2022, Mary Immaculate Parish was united to a cluster of neighboring parish communities to form Family #14 in the diocesan Road to Renewal.

A study conducted as part of the Road to Renewal determined that, given the changing demographics of the parish territory, there was a need to consolidate the territory and discontinue the use of Immaculate Conception church a worship site.

St. Mary church can easily accommodate the faithful from the entire parochial territory. Due to the fact that Mary Immaculate Parish foresees itself laboring under future financial strains, a future prediction of a lack of priests, the coming need to contribute toward the diocesan Chapter 11 Bankruptcy settlement, and the need to better equip itself for future ministerial opportunities, it was proposed to alienate the sacred edifice and relevant property of Immaculate Conception church.

THE LAW

Canon 1212 remarks, "Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact." A church can remain in relatively good structural condition and still be reduced to profane use if it is no longer needed or if it cannot be sustained by the means at the disposal of the parish who uses it.

Canon 1222 §2 states, "Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can regulate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby." Here the necessity of a grave cause stands out as the essential motivating factor for such reduction of "a sacred building designated for divine worship to which the faithful have the right of entry" (c. 1214). Additionally, the bishop must have previously consulted both the presbyteral council and those who have a legal claim on some aspect of the church building. Following the general norm of canon 50, although not strictly speaking required by the present canon, it is also advisable to consult with those who will be affected by the closure. With this consultation in mind, as long as the good of the faithful is not seriously inconvenienced, a church building may be reduced for profane/secular use.

Canon 1238 §2 makes clear that “Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.” The first paragraph of this canon points the reader back to canon 1212 which discusses the loss of dedication or blessing begin dependent on destruction of the sacred place or object, or its being turned over to profane use “by decree of the competent ordinary.” Thus, applying this norm to the altar(s) of a church, they must be mentioned specifically if they are to be included in the reduction of the sacred building.

THE ARGUMENT

In assessing the ongoing pastoral care of those who have traditionally attended Immaculate Conception church, it is necessary to point out that, from the front door of Immaculate Conception church, the parochial church of St. Mary in Pavilion is only 5.1 miles away, Our Lady of Mary church, LeRoy is only 7.7 miles away, and Ascencion Parish, Batavia is 6.3 miles away. While these distances may seem unreasonable for an urban environment, they are more than manageable for the rural setting of Immaculate Conception church. In fact, the vast majority, if not all, of the individuals who worship at Immaculate Conception church arrive by automobile. The distance to either of the abovementioned churches will not add more than ten minutes for those who have until now been worshipping at Immaculate Conception church.

On 27 August 2024, I consulted the Presbyteral Council regarding the potential reduction of the church building to profane but not sordid use. Reasons for the reduction and alienation included the need to reduce financial strain on Mary Immaculate Parish, the shortage of priests available for ministry in the area, the assessment of those in charge of the Road to Renewal initiative, and a need to generate income to contribute to the diocesan Chapter 11 Bankruptcy settlement. The matter was discussed, and each member of the Council had the opportunity to vote. The Council decided unanimously to support the proposition.

I further consulted the archives of the Diocese of Buffalo to see if any individual could be identified as claiming legitimate rights regarding the church or its property. The funds donated by Mr. and Mrs. Joseph Troidl in 1954 were a gift to the Church and carried with it no restrictions for future use or any demands that either Mr. and Mrs. Troidl or their heirs give consent in the event of a sale. These individuals, by available research, contributed to the building of Immaculate Conception church by an exercise of their rights as established by canon 1531 §1 *CIC/17*.

Considering the inability of Mary Immaculate Parish to maintain two worship sites going forward, and considering the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce Immaculate Conception church to profane but not sordid use following the norm of canon 1222 §2.

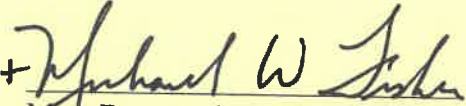
Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary power in virtue of canons 1222 §2 do hereby decree that the church of Immaculate Conception, located at 5865 Ellicott Street Road, East Bethany, New York 14054, be reduced to profane but not sordid use. In addition to the church building itself, I decree that all altars within the church lose their consecration, dedication, or blessing by this same decree (c. 1238).

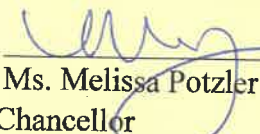
This decree is to be effective on Monday 9 December 2024.

This decree is to be communicated to the Rev. F. Patrick Melfi, the Pastor of Mary Immaculate Parish, Pavilion (c. 532) and both the churches within that territory (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 9th day of October 2024.




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


Ms. Melissa Potzler
Chancellor