



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 ST. MARK, KENDALL AND ITS
ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE**

THE FACTS

With the permission of Bishop Edward Head and the Pastor of St. Mary Parish, the Rev. Thomas Kemp, Dr. and Mrs. Mark Welch donated a substantial sum of money for the construction of a new church in Kendall which would have the title of St. Mark. The church in Kendall was completed and blessed on 24 April 1979. Unfortunately for the doners, this came after Mrs. Beulah Welch had passed on to her eternal reward. More money was donated by Dr. Welch for the construction of a rectory. This came with the request that St. Mark be established as an independent parish. Bishop Head was favorable to this proposal and completed the consultations prescribed by both the 1917 Code of Canon Law and the 1983 Code of Canon Law as the latter had recently been promulgated and was about to come into force. The parish was officially established on 21 October 1983 but always shared a Pastor with its neighbor, St. Mary, Holley.

St. Mark church was already given permission to maintain its own financial records apart from St. Mary Parish in 1979. At its erection in 1983, no defined territory was assigned to it. Over the years, however, it has traditionally been associated with the territory of the Township of Kendall, NY. Thus, because it was not established as a personal parish and it has been over thirty years since its founding, the territory of the Township of Kendall has been assigned to it through legal custom (cf. cc. 23-28).

The church underwent major renovations in 1989. This led to a rededication ceremony on 28 January 1990. In March of 2023, St. Mark Parish was grouped into a cluster of neighboring parishes to form Family #11 in the diocesan Road to Renewal. For many years, St. Mark church served its intended purpose of providing a sacred building dedicated to divine worship for the people of Kendall. The church has known some wonderful Pastors and a committed community leaders over the years. On 5 March 2025, I signed a decree merging St. Mark Parish into its mother church, St. Mary Parish, Holley. This merger will become effective on 30 May 2025.

St. Mary Parish has a large parish church capable of accommodating the faithful from the entire future parochial territory. Due to the fact that St. Mary Parish foresees itself laboring under 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 St. Mark 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.

Regarding the grave cause required by this canon, the 2013 Instruction from the Congregation for Clergy helpfully points out that, "To assess the gravity of a cause, each must be considered individually, weighing the whole context of the situation. At times, the gravity of a cause will arise only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation" ("Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same" *Jurist* 73 [2013] 217). This Dicastery clearly establishes that a diocesan bishop is not bound to produce only one grave cause to be able to utilize canon 1222 §2, a constellation of just causes taken together are also sufficient.

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 St. Mark church, it is necessary to point out that, from the front door of St. Mark church, St. Mary church, Holley is only 8.1 miles away and St. Elizabeth Ann Seton church, Hamlin (Diocese of Rochester) is 6.4 miles away. While these may seem unreasonable distances for an urban environment, they are not unheard of for rural communities such as the ones in Family #11. In fact, the vast majority of the individuals who worship at St. Mark church arrive by automobile. The distance to either of the abovementioned churches will not add more than fifteen minutes for those who have until now been worshipping at St. Mark church.

On 30 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 St. Mary 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 nearly 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 land purchased by Rev. Thomas Kemp is owned by the parish corporation with no restrictions for future use. This search being completed, no individuals or heirs were identified who qualify for this consideration.

Considering the inability of St. Mary Parish to maintain their future number of worship sites and buildings going forward, in addition to the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce St. Mark 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 St. Mark, located at 16789 Kenmore Road, Kendall, New York 14476, 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 2 June 2025.

This decree is to be communicated to the Rev. Mark J. Noonan, the Pastor of St. Mark and St. Mary Parishes (c. 532) and both the churches within those territories (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.



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

[Signature]
Ms. Melissa Potzler
Chancellor