

January 2, 2025

Most Rev. Michael W. Fisher  
Bishop of Buffalo  
795 Main Street  
Buffalo, NY 14203

RE: Recourse against the decree merging St. Benedict Parish of Amherst, NY  
into St. Leo the Great Parish of Amherst, NY

Your Excellency:

We, whose names follow, as individual persons and in our own names as members, friends, or donors of St. Benedict Parish, Amherst, New York, in the Diocese of Buffalo, write to initiate through this letter formal recourse against your decree dated December 17, 2024, by which you indicated your will to extinguish our beloved St. Benedict Parish by merging it into St. Leo the Great Parish, also in Amherst, New York. Although your decree was dated December 17, it was not promulgated until the Vigil Mass for the Fourth Sunday of Advent, on December 21, 2024, when the announcement was made at St. Benedict Church by our parish pastor, Rev. David Bellittiere.

We have chosen one of our own, Mr. Nandor Forgach, to be our volunteer leader. You will find enclosed a document bearing our signatures which signifies our agreement with his leadership, and which allows him to act in our names. At the same time, none of us waives his or her right to act individually or to send and receive correspondence related to this recourse.

In accordance with our Church's canon law, we respectfully ask you to rescind your decree and decision dated December 17, 2024 and promulgated beginning December 21, 2024, in which you indicated your will to extinguish St. Benedict Parish and merge its people and territory into St. Leo the Great Parish, and which is scheduled to take effect on May 19, 2025.

The facts upon which all must agree are as follows. The Road to Renewal process for pastoral planning in the Diocese of Buffalo, conducted with significant assistance by the Catholic Leadership Institute of Malvern, Pennsylvania, began in the second half of 2020. In 2021, Families of Parishes began to be established. In July 2023, St. Benedict Parish was grouped in Family #16 along with the Parishes of St. Leo the Great, St. Aloysius Gonzaga, Infant of Prague, Ss. Peter and Paul, and Christ the King. Between June 6 and 13, 2024, Diocesan Recommendations for mergers of parishes and closures of churches were communicated. The deadline for

parishes and Families of Parishes to accept the Diocesan Recommendations or give notice of a counter-proposal was July 15, 2024. Counter-proposals from the parishes of Family #16 and from other parishes and Families of Parishes were presented between August 12 and 22, 2024. In September 2024, final decisions regarding parishes and Families of Parishes were made. Thereafter, the diocesan bishop's decrees regarding individual mergers and closures began to be promulgated; and in the same timeframe, leaders from St. Benedict and St. Leo the Great Parishes met with Father Bellittiere to consider the final decision regarding St. Benedict and St. Leo the Great, and to proactively plan for the future. Additional proposals were offered to diocesan leadership. You rejected these proposals by issuing your decree extinguishing St. Benedict Parish and merging its faithful and territory into St. Leo the Great Parish, with an effective date of May 19, 2025. Concerned members of the Christian faithful from St. Benedict Parish thereafter met and decided to make recourse against your decree, as we believe it is based on inaccurate data, and recommendations from diocesan leaders and/or personnel from the Catholic Leadership Institute which are founded upon poor reasoning or disregard for pertinent canon law principles and the praxis of the Dicastery for the Clergy.

### *Our Reasoning Based in Law and Fact*

Pertinent substantive law on the institute of the parish is found in canons 515-530 of the 1983 Code of Canon Law. We acknowledge that the law first requires us to petition that you rescind your decree, and we are doing so within the peremptory time limit by this letter. We wish to ascribe to Mr. Nandor Forgach the canonical rights, responsibilities, and role of a procurator (cf. canon 1738). In everything, we take to heart the words in canon 1752, deliberately placed by the Legislator at the end of the Code: "The salvation of souls, which must always be the supreme law in the Church, is to be kept before one's eyes." We believe that the good of souls is at stake, and that your responsibility vis-à-vis the souls of the faithful of St. Benedict Parish is best accomplished by maintaining the integrity of St. Benedict Parish, that is, by maintaining its current status and configuration.

Returning to the substantive law on the parish, we look to the Instruction "The Pastoral Conversion of the Parish Community in Service of the Evangelizing Mission of the Church" (Congregation for the Clergy, July 20, 2020) for guidance on appropriate interpretation and application of the law (cf. canon 34). The Instruction situates the life of the parish within the consideration of the Church's missionary nature; any re-ordering of parishes should have as its goal that parishes would be outward-focused agents of evangelization. The Instruction states, "Mere repetitive action that fails to have an impact upon people's concrete lives remains a sterile attempt at survival, which is usually welcomed by general indifference. If the parish does not exude that spiritual dynamic of evangelization, it runs the risk of becoming self-referential and fossilized, offering experiences that are devoid of evangelical flavor and missionary drive" (17). Of course, the opposite is also true: "The parish community is the human context wherein the evangelizing work of the Church is carried out, where sacraments are celebrated and charity is exercised, all with missionary zeal, which, apart from being an intrinsic part of pastoral action, is a litmus test of its authenticity. In this present age, marked at times by marginalization and solitude, the parish community is called to be a living sign of the proximity of Christ through fraternal bonds, ever attentive to new forms of poverty" (19). We recognize in the second quotation a succinct description of the apostolic work we do in St. Benedict Parish, and we think

you would recognize this as well, if you knew us better. Such an evangelizing parish should not be suppressed or merged, and in fact, cannot rightfully be suppressed or merged under canon law.

From this foundation, the Instruction builds to five important conclusions regarding the re-ordering of parishes. First, legitimate restructuring should be executed with flexibility and gradualism: “One should not act ‘hastily’ in an attempt, as it were, to bring about immediate reforms by means of generic criteria that obey a ‘rational decision’ to the detriment of those who actually live within the territory. Every plan must be situated within the lived experience of a community and implanted in it without causing harm” (36). Second, ignoring the fact that the People of God as a whole, including the lay faithful, have been anointed by the Holy Spirit runs the risk of constructing “communities, pastoral plans, theological accentuations, spiritualities, structures without roots, without a memory, without a body, in the end, without lives. To remove ourselves from the life of the People of God hastens us to the desolation and to the perversion of ecclesial nature” (37). Third, the “key factor” in energizing vocational awareness for effective participation in the Church’s mission is proximity (38). Fourth, “The suppression of parishes by extinctive union is legitimate for causes directly related to a specific parish. Some causes are not sufficient, such as, for example, the scarcity of diocesan clergy, the general financial situation of a diocese, or other conditions within the community that are presumably reversible and of brief duration (e.g., numerical consistency, lack of financial self-sufficiency, the urban planning of the territory). As a condition for the legitimacy of this type of provision, the requisite motivations must be directly and organically connected to the interested parish community, and not on general considerations of theories, or based solely ‘on principle’” (48). Finally, a particular just cause must be identified with each parish modification, it being insufficient to make reference simply to generic reasons like the “good of souls” (49).

Bishop Fisher, we ask you not to act in an overly hasty way without reference to the real lives of the real people in St. Benedict Parish. Such action will indeed lead to harm, to a perversion of the Church’s nature in favor of the evil the Bible calls “mammon.” It will ignore the “proximity” that people in our local community feel because St. Benedict is a parish in its own right. It will ignore the requirement for a just cause that is particular to the St. Benedict Parish community. It will ignore the cautionary and instructive guidance given by the Instruction in favor of the very opposite: a decision made on the basis of a dearth of clergy, consolidation of resources, cost savings at the level of the diocese, and heaven forbid, “due to our [the Diocese’s] need to amass a substantial sum of money to settle numerous civil claims in Federal Bankruptcy Court,” in view of which “the possibility of alienating this property has also been suggested” (excerpt from your decree dated December 17, 2024, which was promulgated beginning December 21, 2024). We must note that although there are currently two sex abuse claims connected to St. Benedict Parish, our parish cannot be forced to pay for claims having no connection to the parish, for parish temporal goods belong to the parish, and not to the bishop or the diocese.

Your decree dated December 17, 2024 points to Facts that argue against the decree itself. The decree notes St. Benedict School, a primary ministry of the parish which effectively assists parents in handing on the faith to children and youth, and evangelizes students who are not members of the parish, throughout its history “has maintained a healthy enrollment and continues to be the pride of the parish today.” How will it continue to increase enrollment and return income to the parish if St. Benedict is simply a “secondary worship site”? The mutual

relationship between the parish community and its school is the reason our school is so successful, and this would be lost if St. Benedict Parish is extinguished. Numbers only begin to tell the story: known as one of the strongest schools in the Diocese, St. Benedict School is projected to enroll 460 students next academic year, and has operated with a surplus for the last five years. Parents choose to send their children to St. Benedict School because of its relationship with our active parish, in which children have the opportunity to attend Mass each school week and in which their faith formation is preeminent.

The decree affirms the evangelizing and charitable efforts that are already characteristic of St. Benedict Parish, stating, “St. Benedict Parish has consistently shown itself to be a community of generous and loving Christians who are not hesitant to reach out to the neighbor in need.” Why, then, when St. Benedict Parish is healthy and thriving, would it make sense to state, “St. Benedict Parish has been identified as a community that could benefit from being joined with its sister community in Amherst” (excerpt from your decree dated December 17, 2024, which was promulgated beginning December 21, 2024)? Statistics of the parish already reported to the Diocese in the course of regular parish administration tend to demonstrate that St. Benedict Parish will benefit by continuing to do what it does, as the fruits of its efforts in faith are abundant and evident in sacraments celebrated and in the financial contributions received, among other metrics.

In conclusion, allow us to counter inaccuracies and misconceptions regarding St. Benedict Parish that are found in Road to Renewal documents. Among the Justifications used by diocesan leaders in making their initial Recommendations, there are two major untruths that have been countered by facts, which we brought forth in the counter-proposal stage of the process, and which we recapitulate here.

First, in the Road to Renewal process, a Justification given for reducing the status of St. Benedict was “negative net operating balance trends.” Rev. Bryan Zielenieski, Vicar for Renewal, admitted during the counter-proposal stage of the process that the statement should not have been included. It was based on a comparison of parish revenue in 2022 versus parish revenue from 2021. You will recall that many parishes and schools received PPP (Payroll Protection Plan) and ERC (Employee Retention Credit) money or credits from the federal government in 2021, causing the appearance of a spike in revenue for that year. Our income decreased in 2022 as the federal programs were phased out, just as other parishes’ and schools’ incomes did. However, while St. Benedict Parish income diminished overall from 2021 to 2022 for this reason, we still had one of the strongest positive operating budgets in Family #16, while certain parishes in the Family were operating at a deficit. St. Benedict Parish had \$2.9 million in assets on hand at the time of the counter-proposal in summer 2024, and currently has more than \$3.1 million in assets on hand. Among all the parishes in Family #16, St. Benedict Parish stands out as a well-managed and well supported parish. We are attaching Appendix A from our counter-proposal, which illustrates the financial health of the parish in several ways.

Another Justification for reducing the status of St. Benedict was aging buildings with inadequate accessibility for persons experiencing physical handicaps. It is true that the current St. Benedict Church is almost 75 years old, but it has been impeccably maintained. We note that older buildings are not necessarily inferior to newer buildings; in fact, older buildings may have been

more solidly built and remain functional and useful when cared for properly. Improvements have been proposed for the church restrooms for some time, but were blocked by a former pastor. We now have town approval for construction of improved restrooms and await diocesan approval. We have cash on hand to finance the project. We are attaching Appendix C from our counter-proposal, which illustrates well how St. Benedict buildings meet or exceed standards, and Appendix D with plans for the improved restrooms.

Bishop Fisher, we are ready to meet and explain in person how our ancestors built our beautiful church, built our school and other parish buildings through sacrifice and faith. We honor them by continuing their legacy in St. Benedict Parish, where we educate young people in faith for the life of the world, and reach out to our neighbors on the peripheries: the poor, to be sure, but also those who lack a faith perspective and operate in the wasteland of a totally secularized society, including students on three nearby college campuses. We pray for a careful reconsideration of your decree dated December 17, 2024 and promulgated on December 21, 2024, in which you indicated your intention to extinguish St. Benedict Parish and merge it into St. Leo the Great Parish, effective May 19, 2025; and we ask you to rescind that decree. Be assured of our prayers for you as our bishop, and know that we will be waiting to hear from you.

Sincerely yours in Christ,

By Nandor Forgach  
69 Audubon Drive  
Amherst, NY 14226

Mary Virginia  
Dolores Byron  
James Byron  
Patricia A. Webster  
Patrick Anders  
Arlene Collins  
Andrew Mugo  
Madeline Fasanello  
Suzanne Moslow  
Amy Robinson Morris  
Todd Morris  
Alixandra Marinero  
Michael Georger

Christina Uplinger  
Tom Kerr  
Maureen Kerr  
Agnes Smith  
Joshua Smith  
Maria Smith  
Kathryn Smith  
Matthew Smith  
Karen S. DiVito  
Judy Pasternak Brodka  
Alicia Cheney  
Natalie Cheney  
Paul Cheney

Amelia Cheney  
Peter Cheney  
Michael J. Florczak  
Linda J. Gianturco  
Christopher J. Flynn  
Barbara A. Flynn  
Cheryl Reynard  
Fred J. Lindner  
Jennifer J. Florczak  
Liza Florczak  
Devon Florczak  
Laura Smith

Enclosures: (1) Document with signatures naming Nandor Forgach as our leader and representative; (2) Appendices A-D from our Counter-Proposal