

**Stated Meeting ~ Presbytery of Geneva  
Saturday June 7, 2014  
First Presbyterian Church, Ithaca, NY**

**MINUTES**

The Presbytery of Geneva held a Stated Meeting on Saturday June 7, 2014 at the First Presbyterian Church of Ithaca, New York.

**ROLL**

**Teaching elders (33):**

David Ashby	Timothy Johnson	Suzanne Otterbacher
Kirk Baker	Beverly Karr-Lyon	Cheryl Peoples
Bryan Bond	Glenn Kennedy	Marjory Roth
Fred Coffman	David Kilgore	Russ Roth
Betsey Crimmins	Jonathan Knight	James Tyrell
Ellen Donnan	Deb Lind-Schmitz	David Vanwangen
Russell Duncan	Amy Loving	Kathleen Walters
Janice Fitzgerald	Paul Malles	Sarah West
Deb Grohman	Banu Moore	Jane Winters
Gail Heimberger	James Moore	James Yao
Cynthia Huling Hummel	Leah Ntuala	Nancy Meehan Yao

**Teaching Elders Excused:**

Nancy Farrell (Palmyra)	James Kerr (Canandaigua)
Susan Husted (HR)	Joelle Davis (Executive Presbyter)
Steve Jewell (Arkport)	Jeff Falter (member at large)

**Elder Commissioners from Congregations (33):**

Arkport – Beth Haines	Lodi – Susan Frost
Atlanta – Bessie Tyrrell	Lyons – Les Bartley
Bath – Kathleen Swan	Marion – Constance Franks
Canandaigua – Ron Fulle	Newark – Paul Salisbury
Cohocton – Linda Hodges	Ovid – Roberta S. Morris
Corning – Kirk Allen	Palmyra – Philip R. Opdycke
Dundee – <i>Excused</i>	Penn Yan – Sue Goodrich
East Palmyra – Sylvia Harding	Pulteney – Harriette O. Potter
Elmira, First – Rehana Stanley	Seneca Falls – Marion Crull
Elmira, North – Jeff Richards	Sodus – James Hopkins
Fairville – Bill Randolph	Spencer – C. Thomas Bailey
Geneva – Ellen Reynolds, Edwin Frick	Trumansburg – Virginia Miller
Hammondsport – James Walling	Waterloo – Helen Wadsworth
Hector – Kathryn Shallenberger	Watkins Glen – Karen Rhodes
Horseheads – James Zearfoss	Weston – Vera Dykes
Huron – Lois Wafler	Wolcott – Carol Merrell
Ithaca – Micah Beck	
Junius – <i>Excused</i>	

**Lay Pastors (2):** Priscilla Andrews, Richard Schied

**Additional Ruling Elder Commissioners (1):**

Kris Alling (General Council)

**Corresponding Members** (voice, no vote):

The Rev. Val Fowler, Presbytery of Genesee Valley

**Guests:**

Mary Kilgore – Hornell

Barb Squires – Elmira, First

Rosanna Bates – Pulteney

Marjorie McIntire – Geneva Presbyterian

Ann Warner, Geneva Presbyterian

Robin Kerr-Wilson – Arkport

E.T. Trunick, Jr. – Park Presbyterian

Bette Schubert – Geneva

Rev. Barbara Schwartz – Presbytery of Susquehanna Valley

Lauren R Lamb – Geneva Presbyterian

Jean Swinnerton – Hector

Mike DiPierna – Ovid

Karen DiPerna – Ovid

Barbra Fulle

Eleanor Stearns – Geneva Presbyterian

Barbara Messus – Geneva Presbyterian

Kenneth Steadman – Geneva Presbyterian

Eva Steadman – Geneva Presbyterian

Carol Limner (General Council) (voice, no vote)

Virginia Champlin (Synod Council) (voice, no vote)

**Total Voting Members Present:**

Teaching elders 33

Ruling elder commissioners 33

Lay Pastors 2

Voting Elder Commissioners 1

**Total 69**

Registered Guests 20

Corresponding Members 1

***We Gather in God's Name***

Moderator the Rev. Cheryl Peebles called the meeting to order at 9:30 a.m., a quorum being present.

The Moderator offered the opening prayer.

The Moderator announced the appointment of the Rev. Val Fowler—a member of the Presbytery of Genesee Valley—as Stated Clerk Pro-Tem for this meeting.

The presbytery voted to give privilege of voice to Carol Linner, for the purpose of presenting the report of Presbyterian Women. The Moderator appointed Elder Tom Bailey (Spencer) as timekeeper.

The presbytery VOTED to seat the following persons as corresponding members:  
The Rev. Val Fowler, stated clerk pro-tem (the Presbytery of Genesee Valley)

The presbytery welcomed first-time ruling elders from the following congregations:  
Hector

The presbytery VOTED to approve the minutes of the March Stated meeting and the Special Presbytery Meeting held on Friday May 2, 2014 at the Lyons Presbyterian Church, Lyons, NY. [NOTE: Teaching Elder Steven W. Plank, the Presbytery of Cayuga-Syracuse, served as Stated Clerk Pro-Tem.]

A motion was made and seconded to change item #7 of the Procedures for the Meeting, from 2 minutes for speaking to 5 minutes for speaking. The presbytery VOTED to approve the motion.

The presbytery VOTED to approve the Docket for the meeting, with the following changes:

- Place the report of the Personnel Committee immediately following worship.
- Place the Chinese Administrative Commission Report at 11:50, as the speaker must leave at noon.
- Place the Committee on Ministry report immediately following lunch.
- Include the Synod of the Northeast report prior to adjournment.
- There will not be a report of the Executive Presbyter.

Acting Head Pastor the Rev. Alice Tewell offered a welcome from the host congregation.

The presbytery VOTED to appoint a Resolution of Thanks Committee:  
James Moore ~ others who will meet with him at lunch

### ***We Hear the Word of God***

The presbytery shared in a service of worship.

Worship included the Service of Commissioning for Commissioners to the 221<sup>st</sup> General Assembly (2014, Detroit): the Rev. Jim Kerr, Elder Kristin Alling, and Young Adult Advisory Delegate Benjamin Falter.

The sermon, “Rise and Shine” (Matthew 9:18-26) was offered by Candidate Elder Cindy Weaver.

The First Presbyterian Church Choir led music and offered Jay Althouse’s arrangement of “Keep Your Lamps Trimmed and Burning”

## *We Respond to the Word of God*

### **Report of the Subcommittee on Personnel**

The Rev. Deborah Grohman introduced the report of the Personnel Committee.

A motion was made and seconded to move into Executive Session. By standing vote, the presbytery VOTED 31/29 to approve the motion. The presbytery entered into Executive Session, and all non-voting participants were excused to the Fellowship Hall.

The presbytery VOTED to come out of Executive Session.

By standing vote, the presbytery VOTED to **approve the main motion**, as amended.

[NOTE: The final version of the motion is attached as **Appendix A**, with approved changes noted in italics.]

The Rev. David Ashby submitted a Protest, which is entered in these minutes as **Appendix B**. The stated clerk explained that the presbytery may respond to the Protest by the next meeting of the presbytery

The Moderator led the presbytery in prayer.

### **Report of the Chinese Fellowship**

The Chinese Fellowship has voted to seek membership in the Presbytery of Geneva. The Committee on Ministry will work with the Fellowship on logistics of this development. The relationship of the Rev. Chao will be dissolved, and the Fellowship will begin seeking new pastoral leadership.

The Moderator offered grace for the meal, and the presbytery recessed for lunch.

### **Report of the Committee on Ministry**

The Rev. Amy Loving, co-chair presented the report.

#### **(Information Items)**

The Committee on Ministry reports as information the following actions taken by the Committee:

1. With approval of the Administrative Commission for Park Presbyterian Church, Newark, NY, the Committee approved a 3- month extension of a contract with Kirk Baker.
2. The committee approved the retirement of the Rev. Tom Montgomery, effective September 1, 2014.

#### **(Geneva / the Rev. Deborah Lind-Schmitz)**

Upon recommendation by the Committee on Ministry, the presbytery VOTED to:

1. **Approve** the call of The Presbyterian Church, Geneva, NY to the Rev. Deborah Lind-Schmitz as Pastor, effective July 1, 2014. [NOTE: Consistently with G-2.0504c, approval of the motion required a  $\frac{3}{4}$  vote of the presbytery.] The vote was unanimous, and sealed with applause.

2. **Approve** the Terms of Call, as follows:

Cash Salary & Housing	73,800.00
<b>Total Effective Salary</b>	<b>\$73,800.00</b>

Board of Pensions (PCUSA)	current BoP rate
Vouchered Benefits	12,314.00
Study Leave Funds	1,000.00
Professional Expenses (reimbursed)	2,056.00
Mileage reimbursement @ IRS rate	
Study leave: 2 weeks, including 2 Sundays	
Vacation: one month, including 4 Sunday	

The Congregation Meeting was held on Sunday June 1, 2014.

3. **Request** from the Presbytery of Twin Cities that the membership of the Rev. Deborah Lind-Schmitz be transferred to the Presbytery of Geneva, effective July 1, 2014.

The presbytery invited members of the Geneva Presbyterian Church to be recognized, and the presbytery celebrated the call that was just approved.

**(Call to Health, Board of Pensions)**

The Committee encourages all Teaching Elders (and other participants in the Board of Pensions Medical Benefits Program) to answer the *Call to Health*. The Call to Health member health initiative is designed to help improve overall member health by encouraging member to make the most of preventive care benefits and by identifying and managing chronic conditions. Members may lower their individual and family deductibles in 2015 by answering the Call to Health. This requires completing certain health actions between October 1, 2013 and September 15, 2014, which will reduce the deductible from 1.5% to 1% of effective salary (as determined by salary range and subject to the medical participation minimum and maximum).

**(The Rev. Alice Tewell)**

The Committee and the presbytery wish the Rev. Alice Tewell the best, as she and her family prepare to move to Washington, D.C.

**Report of the Stated Clerk**

As required by the Rules of Discipline, the stated clerk pro-tem read the decision of the Permanent Judicial Commission of the Synod of the Northeast in the Remedial Case SNE 2013-5, *The Session of Park Presbyterian Church (Complainant) v. The Presbytery of Geneva (Respondent)*.

[The full decision is attached as **Appendix C.**]

**Report on Camp Whitman**

Rhonda Everdyke presented a report concerning Camp Whitman. She shared a brief visual tour of the 60<sup>th</sup> Anniversary Gala & Silent Auction, held on May 31, 2014. She thanked the pastors and elders who attended, and the persons who worked for 18 months preparing for the event. The Gala & Silent auction was *very* successful.

The presbytery celebrated that Camp Whitman received the Community Support award from Seneca County.

Current camp registrations are 263, somewhat lower than last year at this time. There is still opportunity increase that number.

### **Report of the Communications Director**

Rhonda Everdyke presented the report of the Communications Director. She encouraged recipients of the newsletter to enable all images, in order to receive the entire newsletter via e-mail.

She described the advantages and features of the new communication platform.

Rhonda described how to keep in touch with the 221<sup>st</sup> General Assembly meeting, and resources for being informed.

The Moderator led the presbytery in a prayer of thanksgiving for both Camp Whitman and the presbytery communications.

### **Report of the General Council**

Elder Dick Scheid, CRE presented the report of the General Council.

1. The Council hosted David Olson this past Monday and Tuesday, who consulted with the General Council and with the Executive Presbyter. His report will be presented to the presbytery, when it is complete.
2. The full report of the financial investigation will be presented to the presbytery, when it is complete.
3. The Presbytery VOTED to **empower** the General Council to take any necessary actions on behalf of the presbytery, between this date and the September meeting of the presbytery.  
**(Motion / Camp Whitman)**

The presbytery VOTED to approve a motion (made and seconded):

That the Camp Whitman Director, the Camp Whitman Operators, and the Camp Whitman Board give an accounting to the Presbytery of Geneva during the September 2014 stated meeting as to how Camp Whitman has complied with the policies and procedures of the Presbytery of Geneva and the laws of the State of New York with regard to background checks and Board of Health reports.

### **Report of the Committee on Budget and Finance**

The Rev. Jim Yao, Chair, presented the report of the Committee on Budget & Finance.

He reported to the presbytery the actions taken in light of the decisions regarding the changes in the relationship with the Executive Presbyter.

A motion was made and seconded to approve a Revised Budget, as presented by the Budget & Finance Committee.

An amendment to the motion was made and seconded that the presbytery ensure the retention of Session Initiated/Endorsed Projects line item in the revised budget by (1) allowing the Treasurer to borrow against the Designated Fund for Caribe, and the Study Leave Fund; and (2) pursuing bridge funding available through the Synod and the General Assembly.

**Rationale:** this motion would leverage \$30,000.00 against the potential \$25,000 reduction of session endorsed mission projects.

By voice vote, the presbytery VOTED to **defeat** the amendment to the main motion.

The presbytery VOTED to **defeat** the main motion.

### **Report of the Committee on Nominations**

The Rev. Leah Ntuala, Chair, presented the report of the Committee on Nominations. The presbytery VOTED to approve the Committee's recommendation that the following persons be elected:

Erica Walsh (Seneca Falls) -- Synod YAAD, Class of 2015

Bob Sell – Ordination Exam Reader

Gail Heimberger (Sodus) – 2014 Vice-Chair, General Council

George Poorman (Waterloo) – Camp Whitman Board

Missions Grant Funding Team:

Char Gillespie (Penn Yan)

Marilyn Benedict (Ontario Center)

Steve Jewell (Arkport)

Jane Winters (Elmira, Westminster)

Rob Anderson (Penn Yan) -- Committee on Ministry, Class of 2015

Sarah West (Waterloo) – Reserve member of Permanent Judicial Commission

The Rev. Ntuala encouraged suggestions for presbytery committee positions. All suggestions will be received gratefully and reviewed by the Nominating Committee. Persons may suggest themselves for positions. Special consideration will be given for persons in churches with members not currently serving on committees, and for persons who may increase the presbytery's diversity.

### **Report of the Committee on Preparation for Ministry**

The Rev. Nancy Meehan Yao, Chair, presented the report of the Committee.

The presbytery VOTED to:

**Receive** Ruling Elder Connie Franks from the United Church of Marion, NY as an Inquirer for Commissioned Ruling Elder.

The Rev. Yao offered prayer.

**Report of Presbyterian Women**

Carol Limner presented the report. The next gathering, “Day of Inspiration” will be held at Camp Whitman on September 10, 2014, 9:00 a.m. – 3:00 p.m.

The Triennial Gathering of women of the Synod of the Northeast will be at Lake George on July 20, with the theme “Grace Abounds.”

June 18-21 is the date of the national Women’s Gathering, in Minneapolis, MN.

**Report of New Worshiping Communities**

**(Fusion on Fire)**

Priscilla Andrews presented a report, and invited questions from presbyters. She encouraged visiting Lake Presbyterian Church, Elmira on Saturday nights at 7:30 p.m.

**(Mercy Place New Church Development)**

Bryan Bond reported concerning Mercy Place.

**(S<sup>2</sup> Report)**

Leah Ntuala presented the report.

**Report of the Synod of the Northeast**

Virginia Champlin presented the report of the Synod of the Northeast. Virginia has for the last year filled out a term on the Synod Council.

***We Go Forth to Share God’s Word***

The Moderator read the Resolution of Thanks:

The Presbytery of Geneva offers its heartfelt thanks to the First Presbyterian Church of Ithaca, NY for its hospitality at the June 7, 2014 stated meeting. The presbytery is grateful for the welcome to the ivy-hued community—and welcomes the congregation to our family.

The Moderator led the presbytery in the closing prayer.



## APPENDIX A

### **Resignation and Severance Agreement As Amended by the Presbytery**

between the Rev. Dr. Joelle Davis and the Presbytery of Geneva

**contingent** on clean findings in both the financial audit  
and any other financial investigations

**and contingent** on approval by the Presbytery of Geneva  
of an acceptable severance package

**Saturday June 7, 2014**

- Resignation to be effective Sept. 8, 2014 (This will enable the Rev. Davis to be present for the Camp Whitman season, as expressed by the presbytery on May 2, 2014.)
- Compensation with benefits until April 8, 2015 (7 months) at full current compensation:
  - Cash salary: \$27,707.69
  - Housing: \$14,769.23
  - SECA offset: \$3,249.48
- Full Board of Pensions coverage through June 2015.
- Medical reimbursement: remainder of 2014 money and \$769.98 for 2015.
- Up to \$6,500 for assessment and career services (to come from the current continuing education, travel, and books line items)
- Keep the cell phone and number if possible. Payment of bill switches to her effective Sept. 8, 2014
- Keep the Blue iPad, as it is first generation and cannot be upgraded to run most current apps
- Keep computer, as it is at least 5 years old and needed to be replaced anyway
- Son Benjamin *is eligible to apply*, without prejudice, if he determines he would like to return as a counselor at Camp Whitman in the summer of 2015
- Gregory and Daniel to attend Camp Whitman at staff rate of \$75/week in graded camps and \$50/week in day camp for 2015
- Once the audit *and other financial investigations are* complete, and if clean, a letter exonerating Joelle of any financial misconduct be written and copied to her, with the original maintained in her permanent ministerial folder.
- A letter of assessment, detailing gifts and accomplishments and offering upon request a summary report by independent consultant David Olsen, be completed by an appropriate member of the presbytery and be copied to Joelle, with the original maintained in her permanent ministerial folder.
- Retain the right to pursue ecclesiastical and civil remediation should it become necessary; *and the presbytery retains the same right.*
- Approval to change status in the Presbytery of Geneva to Member-at-Large.
- *The agreement is contingent upon review of an attorney.*
- *The compensation and benefits portion of the severance agreement will cease if and when the Rev. Davis secures employment prior to April 8, 2015.*

**APPENDIX B**  
**PROTEST**

I, W. David Ashby, a teaching elder member of the Presbytery of Geneva, wish to protest the irregularity of the Presbytery's action approving the severance agreement between the Presbytery of Geneva and the Rev. Dr. Joelle Davis at this, the June 6, 2014 stated meeting of the Presbytery held at First Presbyterian Church, Ithaca NY. The reasons for my protest are that the agreement does not protect the spiritual, financial, legal, or missional integrity and well-being of the Presbytery.

It leaves the Presbytery exposed to potential legal and ecclesiastical action by congregations and commissioners. It is one-sided and potentially too expensive for the Presbytery in its current financial condition to be paying an extended severance package. It permits Davis to continue to serve until the ending date of the agreement, which will further exacerbate conflict and prevent healing and reconciliation for another seven months. It allows Davis to continue to function in the office, a considerable provocation and affront to many. It allows Davis to be in a position to damage reputations and provide substandard care for congregations and members. It carries the implication that members of Presbytery may knowingly misstate or ignore levels of conflict that clearly exist. It is too soon for the presbytery to receive the report from David Olson of the Samaritan Center. It does not include contingencies protecting the Presbytery in the event improprieties by Davis are revealed, nor provide a process for recovering any inappropriate payments. It does not contain provisions for revocation should criminal or ecclesiastical charges be sustained against Davis. It does not provide provisions for recovery of losses in such case. It is contrary to the peace, unity, and purity of the Presbytery of Geneva.

Respectfully submitted in Christ's name,

W. David Ashby

Concurrence: the Rev. Eileen Donnan

## APPENDIX C

**Permanent Judicial Commission  
Synod of the Northeast, Presbyterian Church (USA)**

**Decision and Order  
9 May 2014**

**Session of Park Presbyterian Church, Complainant**

*Versus*

**Presbytery of Geneva, Respondent**

### **Remedial Case SNE 2013-05**

Trial on a remedial complaint by **The Session of Park Presbyterian Church(Complainant) v. Presbytery of Geneva (PG or Presbytery, Respondent)** was held on 8 May 2014 at the Hotel Indigo in Latham, New York, with the undersigned members and former members of the Permanent Judicial Commission of the Synod of the Northeast constituting a quorum. The Complainant was present through Dean Cornwell and Greg Nassimos, members of its Committee of Counsel, and was represented by Christy Wareham, counsel. Respondent was present through Amy Loving, Marjorie Roth, and Peter Crego, its Committee of Counsel, and was represented by Amy Loving, counsel.

### **Arrival Statement**

This Complaint was filed by the Session of Park Presbyterian Church in Newark, NY, against the action of the Presbytery of Geneva assuming original jurisdiction over Park Presbyterian Church and appointing an Administrative Commission to assume the responsibilities of the Session. The Complaint was received by the Stated Clerk of the Synod of the Northeast on 8 July, 2013 and it was accompanied by a request for a Stay of Enforcement. The Preliminary Questions were answered in the affirmative by the Executive Committee (EC), but this finding was not transmitted to the parties until 13 September 2013. The Stay of Enforcement was not granted and this was communicated to the parties on 31 July 2013.

### **Appearances**

Ruling Elders Dean Cornwell and Greg Nassimos, for the Committee of Counsel for the Complainant  
Teaching Elder Christy Wareham, Counsel for the Complainant  
Teaching Elders Amy Loving, Marjorie Roth, and Peter Crego, for the Committee of Counsel of the Respondent  
Teaching Elder Amy Loving served as Counsel for the Respondent

### **History**

In December 2012 the Committee On Ministry (COM) of the Presbytery of Geneva became aware of dissent in Park Presbyterian Church (PPC). A mediation effort in January 2013 failed. Subsequently, members of COM attended two "Town Hall Meetings" on 27 February and 10 April 2013 called by the session of PPC. It became clear, though, that the faction opposing the church's leadership was growing into a significant fraction of the congregation and at the annual congregational meeting on 14 April 2013 five opposition members were elected into the vacant session positions. At its meeting on 4 June 2013 COM spoke with the pastor and a representative of the session, learning that the session at that point was meeting frequently, but that all of its time was taken up by the conflict, that no time was left for regular session business, and that the elders elected in April still had not been installed. COM imposed on itself two weeks of discernment and at a special meeting

on 18 June 2013 decided to request a called meeting of the presbytery to consider a motion from COM to create an Administrative Commission with original jurisdiction for PPC, starting on 1 July 2013. The presbytery met on 27 June 2013 and approved the motion after five hours of debate where the pastor and Session of PPC were given opportunity to speak without time limits. The Session of PPC filed a Remedial Complaint with the Synod of the Northeast.

The Complaint was received by the office of the Stated Clerk of the Synod of the Northeast at an unfortunate time. In July 2013 the members of the EC had staggered absences and the Stated Clerk was seriously ill. The Complaint was received on 8 July 2013 and on 15 July 2013 the EC answered the Preliminary Questions in the affirmative. On 31 July 2013 the parties were informed that the requested stay of enforcement was not granted, but it was not until 13 September 2013 that the EC discovered that the finding on the Preliminary Questions had not yet been transmitted to the parties -though this must have been obvious from the notice regarding the Stay. Shortly thereafter the Stated Clerk died. The deadline for the answer by the Respondent was set for 1 November 2013 and the answer was received on time. Due to cases on its agenda that were received earlier, this Commission was not able to schedule this trial until the present time. The Complainant's brief was due on 27 February 2014, Respondent's brief on 11 April 2014, and final witness lists on 18 April 2014. On 28 April 2014 the Stated Clerk received a communication indicating that the parties were interested in mediation and an alternate resolution of the Complaint. After investigating the feasibility of arranging this prior to the scheduled trial, the Stated Clerk had to conclude, regrettably, that this was not possible anymore. The day before the trial the Stated Clerk received notification from the Complainant that it intended to bring a motion to postpone the trial in order to pursue mediation.

### **Complaint**

By mutual agreement of the parties and the Commission, the original Complaint was summarized at the beginning of the trial to read:

The Presbytery of Geneva, at its meeting on 27 June 2013 in Geneva, New York, committed an irregular action by assuming original jurisdiction over Park Presbyterian Church and replacing its Session with an appointed Administrative Commission. The action was irregular in that the conditions required by the Book of Order (G-3.0303e) for assuming original jurisdiction were not met:

COUNT 1: The Presbytery failed to conduct a thorough investigation

COUNT 2: The Presbytery failed to provide the Session a full opportunity to be heard

COUNT 3: The Presbytery erred in its judgment that the Session could not exercise its authority

### **Decision**

Considering the testimony presented, the documentary evidence submitted, and the response to questions by members of the Commission, we present our findings on the alleged irregularities.

#### **COUNT ONE**

*The Presbytery failed to conduct a thorough investigation.*

This count is NOT SUSTAINED.

Pursuant to Book of Order Section G-3.0303 a Presbytery may assume original jurisdiction in any situation in which it determines that a session cannot exercise its authority. "After a thorough investigation, and after full opportunity to be heard has been accorded to the session, the presbytery may conclude that the session of a congregation is unable or unwilling to manage wisely its affairs, and may appoint an administration commission with the full power of the session" (G-3.0303e).

The complaint alleges that the Presbytery failed to conduct a thorough investigation prior to its decision to appoint an administrative commission to assume original jurisdiction of the session. This Count is not sustained.

The record shows that the Presbytery through the Committee on Ministry conducted a diligent effort to assess and understand the situation. In particular, on or about December 2012, Presbytery representatives met with the Session, and encouraged the Session to engage in discussions with individuals who had concerns. In January 2013, a third party mediator facilitated conversation among Session and concerned members. This mediation resulted in a covenant agreement, that was ultimately was not successful; while the Session agreed to all points, the other participating group did not agree to all five points in the covenant.

According to the evidence, two "Town Hall Meetings" were held where the Session, church members and friends of the church were invited to share their concerns. Committee on Ministry members attended these events. At the invitation of the Session, Committee of Ministry representatives also attended the annual meeting of the congregation in April 2013, as well as various session meetings. By the time of the Presbytery meeting in June 2013, the Presbytery, through the Committee on Ministry had been engaged with the matter for a period of six or seven months. The Commission determines that these steps are sufficient investigation under the Book of Order.

#### **COUNT TWO**

*The Presbytery failed to provide the Session a full opportunity to be heard.*

This count is NOT SUSTAINED.

There is no evidence that the Session did not receive a full opportunity to be heard, and Counsel for the Complainant, in his closing remarks, stipulated to this fact. The Complainant presented evidence that there was a communication from a Session member who was also a recused member of COM to the co-chairs of the committee. There is no evidence that COM's decision making process was influenced by this communication.

#### **COUNT THREE**

*The Presbytery erred in its judgment that the Session could not exercise its authority.*

This count is NOT SUSTAINED.

The Book of Order gives the session the "responsibility for governing the congregation and guiding its witness to the sovereign activity of God in the world, so that the congregation is and becomes a community of faith, hope, love, and witness" (G-3.0201). There are times, however, when the session is not able to fulfill its responsibilities under the Constitution.

This Commission heard testimony from members of the Session of PPC concerning the Session's inability to address the regular business of the church at its meetings, despite holding as many as two or three lengthy meetings per month. Furthermore, the Session had begun to take actions which the Committee on Ministry judged to be contributing to an escalation of the conflict within the congregation: the failure to install or even definitively conclude an examination of officers-elect; the refusal to act upon written request from members of the congregation for a meeting of the congregation to request the dissolution of the pastoral relationship; and the removal of certain persons from membership during a period of intense conflict. It was the judgment of the Committee on Ministry, a judgment with which the Presbytery ultimately concurred, that these actions were evidence of the Session's inability to lead PPC through the conflict it was experiencing.

While the Form of Government permits a presbytery to "conclude that the session of a congregation is unable or unwilling to manage wisely its affairs, and [to] appoint an administrative commission with the full power of session" (G-3.0303e), it does not specifically establish the conditions for reaching this conclusion. It therefore

falls to the presbytery, as the higher council most closely familiar with the circumstances of its congregations, to exercise its judgment as to the session's ability to carry out its functions. The Complainant in this case failed to demonstrate by a preponderance of evidence that the Respondent's determination was not a reasonable one, given the facts in evidence.

### **Further Comments**

It is evident to the commission that there is indeed a deep hurt and pain in need of healing. Through a series of mis-steps of the parties, trust was lost and open communication dwindled, resulting in a growth of distrust between the parties. The assumption in the Church must be that we are brothers and sisters in Christ, members of one body together. That assumption, worked out, means that we assume trust and integrity in those with whom we disagree.

Although we recognize in all parties an earnest interest to reach an amicable resolution, we lament the anger, mistrust and broken relationships in the family of God that were evident in this situation. Despite good will and efforts to resolve these issues by the parties involved, these attempts were not successful. That is in the past, and while we pray for healing and reconciliation, we also encourage all parties involved in this action, and those who may learn from it in the future, to use this case as a reminder to "make every effort to keep the unity of the Spirit through the bond of peace" (Eph. 4:3). By doing this we let the whole world know that we are Christ's disciples and together bring glory to God (John 13:35, 15:8).

### **Order**

It is ORDERED

- That the Clerk of the Session or the Administrative Commission acting as the Session of Park Presbyterian Church in Newark, New York, report this decision at the first stated meeting of the Session after receipt, enter the decision in its entirety into the minutes, and report to the Stated Clerks of the Presbytery of Geneva and of the Synod of the Northeast the date upon which this was done; and,
- That the Stated Clerk of the Presbytery of Geneva report this decision at the first stated meeting of the Presbytery after receipt, enter the decision in its entirety into the minutes, and report to the Stated Clerk of the Synod of the Northeast the date upon which this was done; and,
- That the stated Clerk of the Synod of the Northeast report this decision at the first stated meeting of the Synod after receipt and enter the decision in its entirety into the minutes.

### **Absences**

The following members of the Commission did not take part in the proceedings: Teaching Elder Cheryl Ann Elfond, Teaching Elder Betsy Jay, Ruling Elder Lloyd Johnson, Ruling Elder Nancie Merlino, Teaching Elder Victor Moon, and Ruling Elder Victor Petrigliano. Teaching Elders Deborah Grohman and Leah Ntuala were recused in accordance with D-5.0205.

done, 9 May 2014, at Latham, New York

### **Attest**

David Baer, Moderator

Carol Dornbush

Arnold Rots, Clerk

Natalie Miner

Michael Buckley, former member (D-5.0206b)

Johanna Johns Jung, former member (D-5.0206b)

Mary Lou Koenig, former member (D-5.0206b)