



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. FRANCIS OF ASSISI PARISH, ATHOL SPRINGS
AND ITS TERRITORY INTO ST. MARY OF THE LAKE PARISH, HAMBURG**

THE FACTS

In the first quarter of the twentieth century the Order of Friars Minor Conventual established themselves on the shore of Lake Erie in Athol Springs. They founded a novitiate and opened a high school for boys of Polish descent. While the high school would go on to become one of the premiere Catholic high schools in the Diocese of Buffalo, the faithful of the area had no local worship space. In 1924, Bishop William Turner gave Catholics living in the area surrounding the Franciscan foundation permission to attend Masses at the novitiate house. Five years later, at the petition of the lay leadership from this community, Bishop Turner decided to erect a territorial parish for the area.

On 8 February 1929, St. Francis of Assisi Parish was officially established. The Rev. Thomas Wreprecht received the appointment as its first Pastor on the same day. At that time, Masses for the parish were still held in the oratory (known as the chapel) of the high school.

September of 1948 saw the opening of the parish school. The Franciscan Sisters of St. Joseph dedicated themselves to the administration of the school at its opening. The school quickly grew, and, by 1950, it was clear that more space was required. The Rev. Seraphim Stacjowicz purchased land and began construction in 1953. The building was finished in January of 1954 and opened for students that same year. For the parishioners of St. Francis of Assisi, the school represented a point of pride as it was the first piece of property owned entirely by the parish. The parish school would operate until 1999 when it closed due to lack of enrollment.

Construction on a new church was begun on 2 February 1959. It was ready for use on Christmas of the same year when the parish celebrated its first midnight Mass in the new building. One parish history notes that the blessing of the church was celebrated privately on another date with the permission of the Chancery Office. The altars were officially, and publicly, dedicated by Bishop Joseph Burke on 8 May 1960, the same day the parish celebrated First Holy Communion and Confirmation.

While St. Francis of Assisi Parish has traditionally been under the pastoral care of the Order of Friars Minor Conventual, it has always been a territorial parish under the jurisdiction of the Bishop of Buffalo. Indeed, diocesan records show that the property where the parochial buildings now stand was sold to the parish corporation by the Conventual Franciscans in the 1950s. Their generosity in providing for the foundation of this parish is not forgotten.

In September of 2022, St. Francis of Assisi Parish was included in Family #29 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. Francis of Assisi Parish has been identified as a community that could benefit by being joined with its neighboring community in Hamburg. 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. 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. Francis of Assisi 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 St. Mary of the Lake 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. Francis of Assisi Parish into St. Mary of the Lake Parish, Hamburg. Rev. Zielenieski pointed out that there would likely only be two available priests serving in Family #29 by 2030. The studies done as part of the Road to Renewal, St. Mary of the Lake Parish was determined to have the more valuable property of the two parishes. Thus, the original proposition was to merge St. Mary of

the Lake into St. Francis of Assisi. Subsequent study and consultation reversed this plan such that the merger of St. Francis of Assisi into St. Mary of the Lake became more reasonable.

At the 27 August meeting of the Presbyteral Council, the proposal offered for consideration was to move ahead with the merger and close St. Francis of Assisi church. A member of the Council brought up a question about the Conventual Franciscans' potential ownership of the property. Without clear answers to this question, a vote on the proposition was postponed to a later time. The matter was taken up again at the meeting of the Presbyteral Council on 11 February 2025. At this meeting, the proposal shifted to only include a merger with the question of relegation to profane use being removed from the conversation. The churches of St. Mary and St. Francis of Assisi will continue to be monitored for viability going forward to see if maintaining both sites is realistic. After discussion, this proposal received nearly unanimous support from the members of the Presbyteral Council present on 11 February.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. Francis of Assisi Parish into St. Mary of the Lake 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. Francis of Assisi Parish, Athol Springs be merged into St. Mary of the Lake Parish, Hamburg and St. Francis of Assisi to be extinct thereby.

St. Mary of the Lake Parish will be the recipient of the net assets and liabilities of St. Francis of Assisi Parish. The territorial boundaries of St. Mary of the Lake Parish will henceforth include:

1. the territory south of Bayview Rd. from Lake Erie to Big Tree Rd. and east on Big Tree Rd. to McKinley Pkwy.;
2. the territory west of McKinley Pkwy. from Big Tree Rd. to Quinby Rd., west on Quinby to Mae Lou Dr., southwest in an imaginary line from Mae Lou Rd. to Camp Rd.;
3. the territory east of Lake Eire from Bay View Rd. to Pleasant Ave.;
4. the territory north of Pleasant Ave. from Lake Erie to Southwestern Blvd., north on Southwestern Blvd. to Camp Rd. and Camp Rd. to Scranton Rd.

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


This decree is to be effective on Monday 28 April 2025.

This decree is to be communicated to the Rev. Timothy Koester the Pastor of both parishes (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 19th day of March 2025, the Solemnity of St. Joseph.


Ms. Melissa Potzler
Chancellor




Most Reverend Michael W. Fisher
Bishop of Buffalo