



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, TONAWANDA
AND ITS TERRITORY INTO OUR LADY OF CZESTOCHOWA PARISH, NORTH
TONAWANDA**

THE FACTS

St. Francis of Assisi Parish was founded in 1852 when Bishop John Timon bought two lots in Tonawanda and appointed the Rev. Serge de Schoulepnikoff the first Pastor. At its inception, this parish covered most of the territory of Kenmore, Tonawanda, and Grand Island. With the emergence of other parishes, St. Francis of Assisi yielded its territory so that other communities might thrive. Out of this original territory the parishes of Ascension, Our Lady of Czestochowa, St. Joseph, St. Albert the Great, St Stephen, St. Paul, St. Christopher, St. Edmund, and St. Timothy have been brought to existence.

The first church of this parish was constructed by the founding pastor and completed in 1852. This wooden framed structure was dedicated to the Sacred Heart of Jesus. The second Pastor, Rev. Francis S. Uhrich, purchased the property for the second church on Adam Street. The existing wooden framed structure was expanded and served as a combination school/church until 1862 when the present stone structure was built. This new church was named St. Francis of Assisi after the patron saint of the Pastor. Here the records are sparse on details. The date of dedication of the structure and the date of the first Mass in the new church seem to have been lost to history.

The Rev. Aloysius A. Bachmann was appointed care of St. Francis of Assisi Parish from 1874 to 1923. He is remembered as a giant of his time and the man who oversaw many expansions to the campus of St. Francis church. A new school building was blessed at the end of August 1883. Another school building was completed in 1924 and a third in 1958. Most notable of the various building projects on the campus is the story of the 1862 church. After the construction of the present church in 1955, the old stone church was utilized as a gymnasium and

storage until 1993 when it was rededicated by Bishop Edward Head as a columbarium and chapel.

St. Francis of Assisi Parish has been the home of many effective faith initiatives over the years. It has known good pastors and parochial vicars as well as lay leaders. In September of 2022 it was joined with neighboring parishes to form Family #18 as part of the Road to Renewal.

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 daughter community in North Tonawanda. 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. As 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 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 Our Lady of Czestochowa 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 Our Lady of Czestochowa Parish, North Tonawanda. Rev. Zielenieski pointed out that there would likely only be three available priests serving in Family #18 by 2030. This proposal received unanimous support from the members of the Presbyteral Council present on 27 August.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. Francis of Assisi Parish into Our Lady of Czestochowa 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, Tonawanda be merged into Our Lady of Czestochowa Parish, North Tonawanda and St. Francis of Assisi to be extinct thereby. Additionally, so that Our Lady of Czestochowa may have a continuous parish territory, this decree also alters the boundaries of St. Jude the Apostle Parish.

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

1. the territory south of the northern City Line of the City of North Tonawanda as far as Nash Rd.;
2. the territory west of Nash Rd. and Twin Cities Memorial Highway (Rte. 425) to Rte. 290;
3. the territory east of the western boundary of the City of North Tonawanda from the northern boundary to the Niagara River, south along the Niagara River to Two Mile Creek Rd., south on Two Mile Creek Rd. to City of Tonawanda City Line;
4. the territory north of southern boundary of the City of Tonawanda from Two Mile Creek Rd. to Rte. 425.

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.

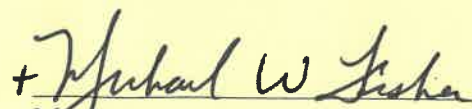
All the parish and sacramental records of the extinct St. Francis of Assisi Parish are to be properly preserved and safeguarded in the parish archives of Our Lady of Czestochowa Parish, Tonawanda, in accord with the norm of law.


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

This decree is to be communicated to the Rev. Michael LaMarca, the Pastor of both parishes (c. 532) and the two parishes affected by this extinctive merger (cf. cc. 7, 54 §1). A copy of this decree is to be maintained in the parish archive of St. Jude the Apostle. 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 21st day of January 2025.




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


Ms. Melissa Potzler
Chancellor