



**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. JUDE THE APOSTLE PARISH, NORTH  
TONAWANDA AND ITS TERRITORY INTO ST. CHRISTOPHER PARISH,  
TONAWANDA**

***THE FACTS***

In order to respond to the growing number of Catholics in the area, Bishop Joseph A. Burke appointed the Rev. Gerald Kreuzer to found St. Albert the Great Parish with territory taken from St. Francis of Assisi Parish, Tonawanda. Officially erected on 19 June 1960, St. Albert the Great Parish began hosting Sunday Masses in a summer tent theater. On holy days during the early years, Masses were held at the Infant Jesus Shrine thanks for the hospitality of the Pallottine Fathers. When winter came that first year, Masses were moved to the Pepsi-Cola plant. A church was finally built for the new parish and dedicated on 24 December 1961. This first church was soon outgrown by the congregation and a second church was completed in 1965.

The Journey in Faith and Grace initiative resulted in changes to St. Albert the Great Parish. After consultation with the Presbyteral Council, the Most Rev. Edward U. Kmiec decided to merger St. Albert the Great Parish with Ascension Parish on 2 November 2007. In the same decree, he also made the decision to discontinue the use of Ascension church, thus establishing St. Albert the Great church as the parish church for the new juridic person.

After consultation with the parishioners of the newly expanded St. Albert the Great Parish, Bishop Kmiec decided to rename the parish in accord with the results of a popular vote submitted by the Rev. Theadore Jost. The parish was renamed St. Jude the Apostle Parish on 22 May 2008. In September of 2022, St. Jude the Apostle Parish was included in Family #18 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. Jude the Apostle Parish has been identified as a community that could benefit by being joined with its neighboring community in 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. Jude the Apostle 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. Christopher 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. Jude the Apostle Parish into St. Christopher Parish, Tonawanda. Rev. Zielenieski pointed out that there would likely only be three available priests serving in Family #18 by 2030. St. Christopher Parish is also being considered to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. This proposal received nearly 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. Jude the Apostle Parish into St. Christopher 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. Jude the Apostle Parish, North Tonawanda be merged into St. Christopher Parish, Tonawanda and St. Jude the Apostle to be extinct thereby.

St. Christopher Parish will be the recipient of the net assets and liabilities of St. Jude the Apostle Parish. The territorial boundaries of St. Christopher Parish will henceforth include:

1. the territory south of the northern border of the Town of Wheatfield between Ward Rd. and the eastern town line of Wheatfield;
2. the territory west of Townline Rd. from the northern border of the Town of Wheatfield to Tonawanda Creek, east along Tonawanda Creek to Sweet Home Rd., Sweet Home Rd. to Rte. 990 and Rte. 990 to Rte. 290;
3. the territory east of the Ward Rd. from the northern border of the Town of Wheatfield to the northern border of the City of North Tonawanda, City Line east to Nash Rd., Nash Rd. south to Twin Cities Memorial Highway (Rte. 425) to Rte. 290;
4. the territory north of Rte. 290 between Rte. 425 and Rte. 990.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Jude the Apostle Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Jude the Apostle 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. Jude the Apostle, Ascencion, and St. Albert the Great Parishes are to be properly preserved and safeguarded in the parish archives of St. Christopher Parish, Tonawanda, in accord with the norm of law.


This decree is to be effective on Monday 5 May 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). 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 21<sup>st</sup> day of January 2025.



  
Ms. Melissa Potzler  
Chancellor

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