



**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 OUR LADY OF POMPEII PARISH, LANCASTER AND  
ITS TERRITORY INTO ST. MARY OF THE ASSUMPTION PARISH, LANCASTER**

***THE FACTS***

The construction of the local railroad lines drew a substantial number of immigrants from the newly formed country of Italy in the 1890s. Soon after arriving, these faithful people set out to construct a church of their own. The Pastor of St. Mary of the Assumption Parish, the Rev. John Schaus, and the Pastor of St. James Parish, the Rev. Killeen, found themselves in a position to assist the dreams of this ethnic group. Under the direction of Rev. Schaus, land was purchased on the corner of Laverack and Cowing streets. On this land he oversaw the construction of a primitive church which could seat 125 people. This was dedicated by the Rt. Rev. Nelson Baker on 14 March 1909.

Various Italian priests visited the church to provide ministry to the faithful. Due to the attention needed in other parts of the diocese, these Italian priests were only able to provide ministry occasionally. Thus, the bulk of pastoral care fell to Rev. Schaus. Due to a growth in the community that worshiped there, the church was expanded in 1929.

On 12 April 1932, Our Lady of Pompeii became a parish in its own right. On 12 April 1932, Our Lady of Pompeii became a parish in its own right. At that time, it was established as a personal parish for those of Italian ancestry. The Rev. Leo Pulling was appointed as its first resident pastor. A rather serious fire broke out in 1934 which came with the unexpected benefit of providing an opportunity for a complete renovation of the church. A new church was finally constructed in 1956. This sacred edifice followed the general plan of Our Lady of Pompeii Shrine in Italy. A convent and school were completed in 1960, and the rectory was ready for residents in 1963.

During the Journey in Faith and Grace initiative, SS. Peter and Paul Parish, Depew was merged into Our Lady of Pompeii Parish, Lancaster on 29 November 2008. This merger resulted in the church of Our Lady of Pompeii functioning as the parish church with SS. Peter and Paul church being use only occasionally, not hosting regular Masses. Additionally, this is when Our Lady of Pompeii transitioned away from being a personal parish. By the merger of these two parishes, Our Lady of Pompeii assumed responsibility for the territory of SS. Peter and Paul and thus ceased to be a merely personal parish. SS. Peter and Paul church was later sold to another Christian denomination in 2015. This community enjoyed the ministry of many wonderful Pastors and Administrators. In May of 2023, Our Lady of Pompeii Parish was included in Family #9 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. Our Lady of Pompeii Parish has been identified as a community that could benefit by being joined with its neighboring community in Lancaster. 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 Our Lady of Pompeii 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 Assumption 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 Our Lady of Pompeii Parish into St. Mary of the Assumption Parish, Lancaster. Rev. Zielenieski pointed out that there would likely only be three available priests serving in Family #9 by 2030. Our Lady of Pompeii Parish, taking advantage of the possibility of submitting a counterproposal to the initial plan of consolidation, offered many possibilities that would allow the church to continue to be used as a place for divine worship. The parish allowed for the possibility of being merged into St. Mary of the Assumption and staying open as a secondary worship site. All of this was discussed with the Presbyteral Council. The discussion noted that Our Lady of Pompeii accepted the merger and was happy to remain open. At the end of the consultation each member had the chance to vote on the proposition to merge Our Lady of Pompeii Parish into St. Mary of the Assumption Parish. The proposal received nearly unanimous support from the members of the Presbyteral Council.

Having heard the Presbyteral Council on this issue, I have chosen to merge Our Lady of Pompeii Parish into St. Mary of the Assumption 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 Our Lady of Pompeii Parish, Lancaster be merged into St. Mary of the Assumption Parish, Lancaster and Our Lady of Pompeii to be extinct thereby.

St. Mary of the Assumption Parish will be the recipient of the net assets and liabilities of Our Lady of Pompeii Parish. The territorial boundaries of St. Mary of the Assumption Parish will henceforth include:

1. The territory north of the Railroad Tracks south of Walden from NYS Thruway (Rte. 90) to the Village Line of Depew.; Losson Rd. and Willaim St. from Borden Rd. to Bowen Rd., north on Bowen to Broadway, and Broadway east to Ransom Rd.;
2. The territory west of Ransom Rd.; Transit Rd. (Rte. 78) from Genessee St. to Railroad Tracks north of Gould Ave.;
3. The territory east of NYS Thruway (Rte. 90) from Nakomis Pkwy. to the Railroad Tracks south of Walden Ave.; the Village Line of Depew from Railroad Tracks south of Walden to Borden Rd., and Borden Rd. to Losson Rd.;
4. The territory south of an imaginary line just south of Nakomis Pkwy. and Orchard Pl. from the NYS Thruway (Rte. 90) to Dick Rd., the Railroad Tracks south of Genessee St. from Dick Rd. to the intersection with Genessee, Genessee as far as Transit (Rte. 78); south on Transit to the northern Town Line of Depew, east along this line from Transit to Seitz Ave. to Ransom Rd.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct Our Lady of Pompeii Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct Our Lady of Pompeii 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 Our Lady of Pompeii Parish, SS. Peter and Paul Parish are to be properly preserved and safeguarded in the parish archives of St. Mary of the Assumption Parish, Lancaster, in accord with the norm of law.

This decree is to be effective on Sunday 8 June 2025.

This decree is to be communicated to the Rev. Msgr. Richard W. Siepka, the Moderator of the priests *in solidum* assigned to care for Our Lady of Pompeii and St. Mary of the Assumption parishes (c. 520 §1) and the churches 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 11<sup>th</sup> day of March 2025.



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

*[Signature]*  
Ms. Melissa Potzler  
Chancellor