



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. MARTHA PARISH, DEPEW AND ITS
TERRITORY INTO ST. MARY OF THE ASSUMPTION PARISH, LANCASTER**

THE FACTS

During the Journey in Faith and Grace initiative, St. Barnabas Parish, Depew and Our Lady of the Blessed Sacrament Parish, Depew were decreed to merge and create the new juridic person of St. Martha Parish on 12 June 2011. With this merger complete, the new St. Martha Parish only utilized the church of Our Lady of the Blessed Sacrament. The campus of St. Barnabas church was alienated to the Cantalician Center, a Catholic institution for developmentally disabled children. An important part of Our Lady of the Blessed Sacrament Parish was its school. This school, which serves Pre-Kindergarten to Third Grade students, continues to operate under the title of Our Lady of the Blessed Sacrament. Over the years of its existence, St. Martha Parish enjoyed the ministry of many wonderful Pastors and Administrators. In May of 2023, St. Martha 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. St. Martha 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 St. Martha 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 St. Martha 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. St. Martha Parish took advantage of the opportunity to present a counterproposal to the Renewal Office. This included the desire to remain as an independent parish with the school hosting students through the 2025-2026 academic year. The parish further suggested that Our Lady of Pompeii should merge and be closed as a worship site. Other moves were also proposed that would allow for St. Martha Parish to continue as is for the time being. All of this was presented to the Presbyteral Council and informed their conversation. The members of the Council noted the presence of the school on the campus of St. Martha church and commented that St. Martha was a vibrant community. At the end of the consultation each member had the chance to vote on the proposition to merge St. Martha Parish into St. Mary of the Assumption Parish. The proposal received nearly unanimous support from the members of the Presbyteral Council. The possibility of relegating Our Lady of the Blessed Sacrament church to profane use was also discussed. My final decision is to follow through on this in a subsequent decree.

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

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

1. The territory north of 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 Railroad Tracks north of Gould Ave., west on Railroad Tracks to Cotton St., north on Cotton to Sawyer St., west on Sawyer to Central Ave.,

north on Central Ave. to Railroad Tracks south of Walden Ave., east along Tracks to the Ransom Rd.

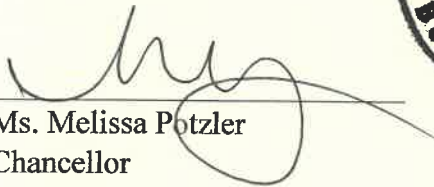
The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Martha Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Martha Parish must be defined and 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. Martha Parish, St. Barnabas Parish, and Our Lady of the Blessed Sacrament 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.

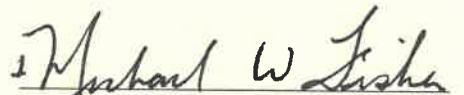
This decree is to be effective on Friday 6 June 2025.

This decree is to be communicated to the Rev. Msgr. Richard W. Siepka, the Moderator of the priests *in solidum* assigned to care for St. Martha 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 11th day of March 2025.


Ms. Melissa Potzler
Chancellor




Most Reverend Michael W. Fisher
Bishop of Buffalo