



HIS EXCELLENCY
MOST REVEREND MICHAEL W. FISHER
By the Grace of God and the Authority of the Apostolic See
BISHOP OF BUFFALO

**DECREE THE MERGER OF ST. ALOYSIUS PARISH, SPRINGVILLE AND ITS
TERRITORY INTO ST. MARY PARISH, ARCADE**

THE FACTS

The first record of a Catholic clergyman visiting Springville, New York was on 7 September 1849 when Bishop John Timon came to address the Christians of that area. He spoke at the local Unitarian Universalist church to a mixed crowd of Catholics and Protestants. During the same visit, he heard the confessions of the faithful, celebrated Mass for them, and also confirmed a class of twelve.

Other area priests paid visits to the community as often as they could. Because this early congregation was primarily composed of farmers, the only time they could gather for worship was on Sunday. The parish converted an old meeting house into a Catholic church in 1853 with money they were able to gather among themselves. The Reverend F. S. Uhrich was appointed as Pastor of St. Aloysius Parish in May of 1869. Serving as the community's first resident Pastor, he was known for his energy and prominence among the citizens of the town.

After much turnaround, the Reverend F. X. Fromholzer took charge of the parish in 1876 and began construction of the church building. The building being completed in 1879, and dedicated that same year, Rev. Fromholzer set to work on the conversion of the old church building into the parish school. The original school would be replaced by a new school in 1905 when Reverend Joseph Schemel was the Pastor. The school was run by the Sisters of St. Francis. A new convent building was purchased for them in 1951.

The present church was built in 1955 and is the third church of this parish. St. Aloysius has known many good priests over the years and numerous events, ministries, and outreaches aimed at spreading the Gospel and living as Christians in the world. Their school was converted into a regional school in 1997. That school would close in June of 2022. In September of that year, St. Aloysius Parish was included in Family #33 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. Aloysius Parish has been identified as a community that could benefit by being joined with its sister community in Arcade. 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 a portion of 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. Aloysius 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 Parish in an extinctive merger.

On 30 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. Aloysius Parish into St. Mary Parish, Arcade. Rev. Zielenieski pointed out that there would likely only be one available priest serving in Family #33 by 2030. St. Mary Parish has already begun to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. This proposal received unanimous support from the members of the Presbyteral Council present on 30 August.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. Aloysius Parish, Springville into St. Mary Parish, Arcade 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. Aloysius Parish, Springville be merged into St. Mary Parish, Arcade and St. Aloysius to be extinct thereby.

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

1. the territory south of Genesee Rd. to Moore Rd., east from where Moore Rd. terminates into Trevette Rd. to where Sharp Rd. terminates into Springville Boston Rd., Sharp Rd. to Morse Rd. and Morse and Foote Rd. to the Township of Sardinia; north along the Town Line until Crump Rd.; the Northern Town Line of Sardinia and the Northern Town Line of Eagle as far as Rte. 362;

2. the territory west of Eastern Town Line of Freedom, southern Town Line of Eagle as far as Centerville Rd, Centerville Rd and Rte. 362;
3. the territory east of western Town Line of Delevan; Grote Rd. and Mortons Corners Rd., from Zoar Valley Rd. to Genesee;
4. the territory north of Cattaraugus Creek from Grote Rd. to Bolton Rd.; the Southern Town Lines of Yorkshire and Freedom.

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

This decree is to be effective on Friday 16 May 2024.

This decree is to be communicated to the Rev. Daniel Fawls, 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 28th day of January 2025.



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

[Signature]
Ms. Melissa Potzler
Chancellor