



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. MARTIN OF TOURS PARISH, BUFFALO AND ITS
TERRITORY INTO OUR LADY OF CHARITY PARISH, BUFFALO**

THE FACTS

Following the Great War (1914-1918), the area of Buffalo south of Baliey Avenue began to become more populated due to the high employment of the Republic and Lackawanna steel mills. The Catholic population during this time was mostly composed of people with German and Irish ancestry. The Rev. James Howley was appointed by Bishop William Turner to found a new parish in this area dedicated to St. Martin of Tours. Taking territory from St. Thomas Aquinas and Holy Family parishes, Rev. Howley oversaw the construction of a church building that seated 305 persons. The first Mass in the new parish, however, was celebrated under a tent on Sunday 4 July 1926.

The parish experienced a strong start. Histories boast of successful lawn fetes and dances in the 1920s. It is perhaps because of this success that the local chapter of the Ku Klux Klan decided to burn a cross on night in a field near the church.

A parochial school was started in 1926 as well. Originally housed in a two-room building across the street from the church, the Sisters of Mercy administered the school. Soon the small structure, known as “the Barn” was outgrown and another school building needed to be established. This would serve the community until 1950 when yet another school building was constructed. By 1965, the enrollment at the school was 1,263.

A larger church building was needed in the late 1950s. On 26 October 1958, Bishop Leo Smith presided over the cornerstone ceremony of what would become the new church. The final building was able to seat 964 persons. With over 1,800 families registered in the parish at the time, a building this size was truly necessary.

November of 2005 saw the linking of St. Martin of Tours and St. Thomas Aquinas parishes. They have shared a single Pastor until St. Thomas Aquinas Parish merged into Our Lady of Charity in 2024. In August of 2022, St. Martin of Tours Parish was included in Family #31 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, sacramental, and demographical situations in its parishes. St. Martin of Tours Parish has been identified as a community that could benefit by being joined with another nearby community. 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 Rev. 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. “Communitive 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. Martin of Tours 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 Our Lady of Charity 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. Martin of Tours Parish into Our Lady of Charity Parish, Buffalo. Rev. Zielenieski pointed out that there would likely only be one available priest serving in Family #31 by 2030 along with the other limitations on St. Martin of Tours Parish continuing as an independent parish. Our Lady of Charity Parish was identified as a good location to centralize pastoral ministry and increase efforts for evangelization. During the consultation, it was noted that St. Martin of Tours Parish has the lowest number of contributing families and has a negative net operating balance. The vote from the members of the Council regarding the proposed merger resulted in this proposal receiving almost unanimous support.

Having heard the Presbyteral Council on this issue, I have chosen to merge St. Martin of Tours Parish into Our Lady of Charity 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. Martin of Tours Parish, Buffalo be merged into Our Lady of Charity Parish, Buffalo and St. Martin of Tours to be extinct thereby.

Our Lady of Charity Parish will be the recipient of the net assets and liabilities of St. Martin of Tours Parish. Taking into account the 11 February 2025 decree merging Our Lady of Perpetual Help Parish into Our Lady of Charity Parish which has been challenged and whose execution is suspended until all avenues of hierarchical recourse have been exhausted, the presently merged territorial boundaries of Our Lady of Charity Parish will henceforth include:

1. the territory south of the Buffalo River from Lake Erie just north of Childs St. to Bailey Ave.; Woodside Ave. from McKinley Pkwy. to Cazenovia Creek to NYS Thruway Rte. 90;
2. the territory west of McKinley Pkwy. from Bailey Ave. (Rte. 62) to Woodside Ave.; NYS Thruway Rte. 90;
3. the territory east of Lake Erie;
4. the territory north of the Buffalo-Lackawanna City Line from Lake Erie to NYS Thruway Rte. 90.

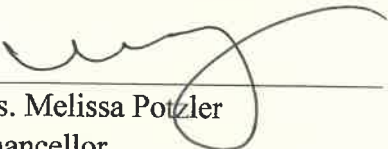
The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Martin of Tours Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Martin of Tours Parish must 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. Martin of Tours Parish are to be properly preserved and safeguarded in the parish archives of Our Lady of Charity Parish, Buffalo, 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. William Quinlivan, the Pastors 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 25th day of March 2025, the Solemnity of the Annunciation.


Ms. Melissa Potzler
Chancellor




Most Reverend Michael W. Fisher
Bishop of Buffalo