



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. JOHN THE BAPTIST PARISH, BOSTON AND ITS
TERRITORY INTO SS. PETER AND PAUL PARISH, HAMBURG**

THE FACTS

In 1869 the German Catholic population of Hamburg discerned the need to sponsor a mission to the Catholics of Boston. Under the direction of the Rev. F. S. Ulrich, and with the approval of Bishop Stephen Ryan, a congregation was established, and a church was constructed. This first church, a modest red brick building, served as the mission church for 97 years.

Rev. Ulrich offered sacramental ministry to the people of Boston twice a month until 1871. From 1871 to 1873, the Jesuit Fathers of St. Michael Parish in Buffalo attended the congregation. In 1877 the parish received its first resident pastor in the person of the Reverend George Zuercher. The Boston community would have some connection with other parishes in the area for its entire existence. It was attached to Sardina, Holland, and Eden from 1880-1897.

The Sisters of St. Joseph operated a school for the parish of St. John the Baptist from 1904 to 1973. Their convent, the converted former rectory, was eventually sold in 1976. The Reverend Raymond Kamler, Pastor from 1948 to 1982, oversaw the building of the current church which was completed in 1968.

During the early 21st century the Journey in Faith and Grace initiative determined that it would be beneficial to merger St. Mary Parish, Eden, into St. John the Baptist. This took effect on 31 August 2008. The church of St. Mary (built in 1851) continued to be used as a secondary worship site. In September of 2022, St. John the Baptist Parish was included in Family #28 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. John the Baptist Parish has been identified as a community that could benefit by being joined with its sister community in Hamburg.

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. John the Baptist 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 SS. Peter and Paul 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. John the Baptist Parish into SS. Peter and Paul Parish, Hamburg. Rev. Zielenieski pointed out that there would likely only be two available priests serving in Family #28 by 2030. SS. Peter and Paul Parish has also been designated to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. At the Council meeting, some discussion occurred surrounding the counterproposal submitted by Family #28. A lack of equity was cited in the decisions surrounding this Family, and this was taken into account for the final decision. This proposal received majority 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. John the Baptist Parish into SS. Peter and Paul 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. John the Baptist Parish, Boston be merged into SS. Peter and Paul Parish, Hamburg and St. John the Baptist to be extinct thereby.

SS. Peter and Paul Parish will be the recipient of the net assets and liabilities of St. John the Baptist Parish. The territorial boundaries of SS. Peter and Paul Parish will henceforth include:

1. the territory south of Camp Rd. from Southwestern Blvd (Rte. 20) to Mae Lou and Quinby Dr.; south of Norther Town Line of Boston from the 219 Expressway to Cole Rd.;
2. the territory west of South Hill Rd. from the intersection of Morse and Sharp Rds. to Colden Rd., west on Colden to Cole Rd. north on Cole Rd. to Northern Town Line of

- Boston; Boston State Rd. (Rte. 391) from Boston Town Line north to McKinley Pkwy as far as Quinby Dr.;
3. the territory east of Southwestern Blvd. (Rte. 20) from Camp Rd. to Schultz Rd. to Lake View Rd. to North Creek to Eden Town Line; east of Rte. 75 from Eden Town Line to New Oregon Rd. as far as Belcher Rd.;
 4. the territory north of the Northern boundary of the Town of Eden from Hertz Rd. to Rte. 75; Northern boundary of the Townships of North Collins and Concord from New Oregon Rd. to the 219 Expressway; the 219 Expressway to an imaginary line from Sharp Rd., and Sharp Rd. to the intersection of Morse Rd.

The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. John the Baptist Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. John the Baptist Parish must be defined and allocated according to the norm of law (cf. cc. 121-122) as interpreted by this document.

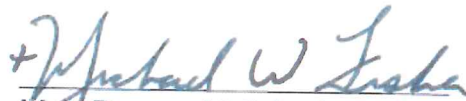
All the parish and sacramental records of the extinct St. John the Baptist Parish are to be properly preserved and safeguarded in the parish archives of SS. Peter and Paul Parish, Hamburg, in accord with the norm of law.

This decree is to be effective on Monday 3 March 2025.

This decree is to be communicated to the Rev. James Ciupek, 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 6th day of January 2025.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor