



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

**DECREE REDUCING THE CHURCH OF OUR LADY OF THE SNOWS, PANAMA
AND ITS ASSOCIATED PROPERTY TO PROFANE BUT NOT SORDID USE**

THE FACTS

In 1946, as part of the Buffalo Missionary Apostolate, the area of Panama, New York was identified as a location that would benefit from its own church. The town was first visited by the mobile chapel in June of 1946 and by the end of that month, the Reverend Martin Caine was sent to Panama to establish a church. The first Masses of this parish were celebrated either in the home of Mr. Joseph Zeitler or in the Panama Rocks Hotel.

In November of 1946, the Whitney Estate was purchased and remodeled to accommodate both a chapel and residence. The first Mass was celebrated here on Christmas Eve of the same year. Following the custom of Bishop John F. O'Hara, the name given to the new parish was after the Virgin Mary. This was the second name of the parish after it was changed from St. Rose of Lima. Officially established as an independent parish on 9 June 1948, the Reverend John Praczkajlo was named its first Pastor.

The need for a new church was felt in the following decade. The Reverend Walter E. Garstka oversaw the construction of this new sacred edifice which received its dedication from Bishop Leo Smith on 18 November 1956.

A study conducted as part of the Journey in Faith and Grace determined that, given the changing demographics of the parish territory, there was a need to consolidate the territory and discontinue the existence of Our Lady of the Snows an independent parish. Consequently, it was decreed to be merged into Sacred Heart Parish, Lakewood on 30 May 2008.

For many years, Our Lady of the Snows church served its intended purpose of providing a sacred building dedicated to divine worship for the people of that part of Chautauqua County. The church has known many wonderful Pastors, Administrators, and lay leaders. In September of

2022, Sacred Heart Parish was united to a cluster of neighboring parish communities to form Family #4 in the diocesan Road to Renewal.

Sacred Heart Parish already has a large parish church capable of accommodating the faithful from the entire future parochial territory. Due to the fact that Sacred Heart Parish foresees itself laboring under financial strains, a future prediction of a lack of priests, the coming need to contribute toward the diocesan Chapter 11 Bankruptcy settlement, and the need to better equip itself for future ministerial opportunities, it was proposed to alienate the sacred edifice and relevant property of Our Lady of the Snows church.

THE LAW

Canon 1212 remarks, “Sacred places lose their dedication or blessing if they have been destroyed in large part, or have been turned over permanently to profane use by decree of the competent ordinary or in fact.” A church can remain in relatively good structural condition and still be reduced to profane use if it is no longer needed or if it cannot be sustained by the means at the disposal of the parish who uses it.

Canon 1222 §2 states, “Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can relegate it to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby.” Here the necessity of a grave cause stands out as the essential motivating factor for such reduction of “a sacred building designated for divine worship to which the faithful have the right of entry” (c. 1214). Additionally, the bishop must have previously consulted both the presbyteral council and those who have a legal claim on some aspect of the church building. Following the general norm of canon 50, although not strictly speaking required by the present canon, it is also advisable to consult with those who will be affected by the closure. With this consultation in mind, as long as the good of the faithful is not seriously inconvenienced, a church building may be reduced for profane/secular use.

Regarding the grave cause required by this canon, the 2013 Instruction from the Congregation for Clergy helpfully points out that, “To assess the gravity of a cause, each must be considered individually, weighing the whole context of the situation. At times, the gravity of a cause will arise only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation” (“Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same” *Jurist* 73 [2013] 217). This Dicastery clearly establishes that a diocesan bishop is not bound to produce only one grave cause to be able to utilize canon 1222 §2, a constellation of just causes taken together are also sufficient.

Canon 1238 §2 makes clear that “Altars, whether fixed or movable, do not lose their dedication or blessing if the church or other sacred place is relegated to profane uses.” The first

paragraph of this canon points the reader back to canon 1212 which discusses the loss of dedication or blessing begin dependent on destruction of the sacred place or object, or its being turned over to profane use “by decree of the competent ordinary.” Thus, applying this norm to the altar(s) of a church, they must be mentioned specifically if they are to be included in the reduction of the sacred building.

THE ARGUMENT

In assessing the ongoing pastoral care of those who have traditionally attended Our Lady of the Snows church, it is necessary to point out that, from the front door of Our Lady of the Snows church, St. Matthias Church, Clymer is 13 miles away and Sacred Heart church is 10 miles away. These are not unreasonable distances for a rural environment found in this part of the diocese. In fact, the vast majority of the individuals who worship at Our Lady of the Snows church arrive by automobile. The distance to either of the abovementioned churches will not add more than fifteen minutes for those who have until now been worshipping at Our Lady of the Snows church.

On 30 August 2024, I consulted the Presbyteral Council regarding the potential reduction of the church building to profane but not sordid use. Reasons for the reduction and alienation included the need to reduce financial strain on Sacred Heart Parish, the shortage of priests available for ministry in the area, the assessment of those in charge of the Road to Renewal initiative, the lack of need for this site, and a need to generate income to contribute to the diocesan Chapter 11 Bankruptcy settlement. It was also noted at this meeting that this plan was presented to the diocese as a whole and the faithful, in conjunction with their pastors, were given the opportunity to comment on the propositions. Family #4 did not offer resistance or propose an alternative plan regarding Our Lady of the Snows church. Thus, the 43rd *Regula Iuris* of Pope Boniface VIII, “Who keeps silent seems to consent,” can be reasonably applied to the current situation. The matter was discussed, and each member of the Council had the opportunity to vote. The Council decided unanimously to support the proposition.

I further consulted the archives of the Diocese of Buffalo to see if any individual could be identified as claiming legitimate rights regarding the church or its property. The land purchased from the Whitney Estate in 1946 is owned by the parish corporation with no restrictions for future use. This search being completed, no individuals or heirs were identified who qualify for this consideration.

Considering the inability of Sacred Heart Parish to maintain their current quantity of worship sites and buildings going forward, in addition to the reasons cited above, I have recognized a sufficiently grave cause and decided to reduce Our Lady of the Snows church to profane but not sordid use following the norm of canon 1222 §2.

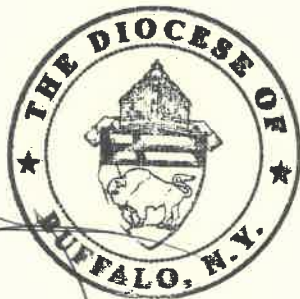
Thus, having done the requisite consultations and having gained the required consents, I, the undersigned Most Reverend Michael W. Fisher, Bishop of Buffalo, exercising my ordinary

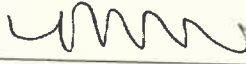
power in virtue of canons 1222 §2 do hereby decree that the church of Our Lady of the Snows, located at 36 E. Main Street, Panama, New York 14767, be reduced to profane but not sordid use. In addition to the church building itself, I decree that all altars within the church lose their consecration, dedication, or blessing by this same decree (c. 1238).


This decree is to be effective on Monday 24 March 2025.

This decree is to be communicated to the Rev. Paul Cygan, the Administrator of Sacred Heart Parish and both the churches within that territory (cf. cc. 7, 54 §1, 532 and 540 §1). Given the norm of canon 540 §2, a dispensation is also granted according to the norm of canon 87 allowing the property of Our Lady of the Snows church to be alienated by an individual other than the Pastor. 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.




Ms. Melissa Potzler
Chancellor


Most Reverend Michael W. Fisher
Bishop of Buffalo