



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 OUR LADY OF LORETO PARISH, FALCONER AND
ITS TERRITORY INTO ST. JAMES PARISH, JAMESTOWN**

THE FACTS

Originally founded as a personal parish for the seventy Catholic families of Italian heritage living in Falconer, Our Lady of Loreto was established as a mission of St. James Parish in 1912. After the construction of a church building, Mass was celebrated for the first time on 13 October 1912. In 1915, Our Lady of Loreto received its first resident administrator in the person of the Rev. Fredrick Sbrocca. The first resident pastor, the Rev. Peter Lozza, would be appointed in 1920.

Over the next ten years, the parish would build a school, convent, and rectory and be converted into a territorial parish. The mortgage was finally burned, after being completely paid off, in the presence of Bishop Joseph Burke in 1946. The next year, the recently appointed Rev. Robert S. Tronolone discerned the need for a larger church to be built. He purchased land from Mr. Joseph Alessi and broke ground in 1951.

The school, which had been in operation under the care of the Sisters of St. Joseph since the 1920s, closed due to lack of enrollment in 1969. Fortunately, the conclusion of this chapter did not signal the end of religious education for the children of Falconer. The Franciscan Missionaries of the Divine Child ran a catechesis program until 1975 when they were replaced by the Felician Sisters. This arrangement continued until 1984.

In 2008, during the Journey in Faith and Grace initiative, the decision was made to link Our Lady of Loreto Parish with St. Patrick Parish, Randolph under the pastorate of the Rev. Joseph P. Janaczek. In March of 2023, Our Lady of Loreto Parish was included in Family #4 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. Our Lady of Loreto Parish has been identified as a community that could benefit by being joined with its parent community in Jamestown.

Additionally, due to the need to amass a substantial sum of money to settle numerous civil claims in Federal Bankruptcy Court, the possibility of alienating some or all 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. 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 Our Lady of Loreto 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. James 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 Our Lady of Loreto Parish into St. James Parish, Jamestown. Rev. Zielenieski pointed out that there would likely only be two available priests serving in Family #4 by 2030. St. James Parish is also being considered to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. An opportunity was afforded to Family #4 to make comments on the Renewal plan and offer alternative suggestions. No propositions of this sort were received or discussed during the meeting on 30 August. Consequently, the proposal received unanimous support from the members of the Presbyteral Council.

Having heard the Presbyteral Council on this issue, I have chosen to merge Our Lady of Loreto Parish into St. James 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 Our Lady of Loreto Parish, Falconer be merged into St. James Parish, Jamestown and Our Lady of Loreto to be extinct thereby.

St. James Parish will be the recipient of the net assets and liabilities of Our Lady of Loreto Parish. On 6 January 2025 I issued a decree merging Holy Apostles Parish, Jamestown into St. James Parish. This decree has been challenged by the parishioners of Holy Apostles Parish making it impossible to execute until potential hierarchical recourse has been concluded. Thus, the territorial boundaries of St. James Parish will henceforth include:

That part of the City of Jamestown that is north of Allen St., Harrison St., and Baker St.; the Townships of Kiantone, Poland, Gerry, Ellington, Carroll and that part of the Township of Ellicott that is north and east of the City of Jamestown.

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

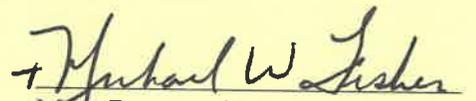
All the parish and sacramental records of the extinct Our Lady of Loreto Parish are to be properly preserved and safeguarded in the parish archives of St. James Parish, Jamestown, in accord with the norm of law.

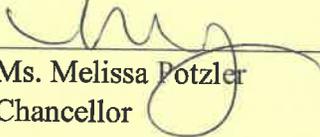
This decree is to be effective on Friday 16 May 2025.

This decree is to be communicated to the Rev. Paul Cygan, the Administrator 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, the Memorial of St. Thomas Aquinas.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor