



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. MARGARET PARISH, BUFFALO AND ITS
TERRITORY INTO ST. MARK PARISH, BUFFALO**

THE FACTS

On 6 December 1916, Bishop Dennis Dougherty appointed the Rev. Thomas J. Timmons, a native of Ireland, as the first Pastor of the recently established St. Margaret Parish. The naming of the parish has its history in both Scotland and Buffalo. Before his death, Bishop Charles H. Colton (1903-1915) expressed his desire to have a parish named in memory of his sister, the late Ms. Margaret Bingham who had received her name in honor of St. Margaret of Scotland. Rev. Timmons took the opportunity of his new appointment to make that aspiration a reality.

The land purchased by Bishop Dougherty for this project was, at that time, in a zone of heavy flooding that could be described as a swamp. Undeterred, Rev. Timmons began construction on a temporary church building at the end of 1916. On 24 December 1916 the first Mass was celebrated in this recently finished structure. In September of 1918, a school was opened and ministered to by the Sisters of St. Joseph. The school building, which served as a combination school/church, hosted the first Mass in October 1918.

In 1926, the parochial territory was split to establish the new parish of St. Rose of Lima. St. Margaret Parish continued to enjoy great growth during this time. Eventually, a new church was built in 1957 and a new addition to the school in 1968. Overtime, the Catholic growth in the area stabilized. Enrollment in the school slipped and, in 2012, the school closed its doors forever.

Over the years, St. Margaret Parish has known many wonderful Pastors and lay leaders. Their parishioners have always been active in the life of the church and have done much to carry the Good News of Jesus Christ into the world. In September of 2022, St. Margaret Parish was included in Family #20 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. Margaret Parish has been identified as a community that could benefit by being joined with its sister community in Buffalo. 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. Margaret 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. Mark 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. Margaret Parish into St. Mark Parish, Buffalo. Rev. Zielenieski pointed out that there would likely only be one available priest serving in Family #20 by 2030. St. Mark Parish is also being considered to absorb the territory of other nearby parishes so as to centralize pastoral ministry and increase efforts for evangelization. The counter proposals made by both St. Rose of Lima and Holy Spirit parishes, which would affect this decision, were considered. This proposal to merge St. Margaret into St. Mark Parish received nearly unanimous 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. Margaret Parish into St. Mark 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. Margaret Parish, Buffalo be merged into St. Mark Parish, Buffalo and St. Margaret to be extinct thereby.

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

1. the territory south of Kenmore Ave. from Rowley Ave. to Gunnell Ave.; Huntington Ave. from Parkside to Main St. (Rte. 5);
2. the territory west of Main St. (Rte. 5) from Oakwood Pl. to Huntington Ave., west on Huntington Ave. to Wallace Ave., north on Wallace Ave. to Tacoma Ave. to Cunard Rd., north on Cunard Rd. and in invisible line to Gunnell Ave.;
3. the territory east of Commonwealth Ave. in a straight line north to Kenmore Ave. and south to the Scajaquada Expressway (Rte. 198);
4. the territory north of Oakwood Pl. from Main St. to Delaware Park.

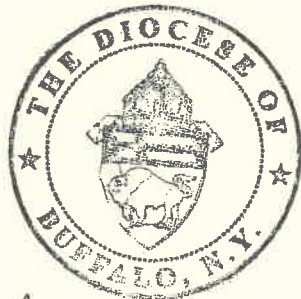
The intentions of the founders and donors regarding the temporal goods and patrimonial rights proper to the extinct St. Margaret Parish, insofar as they exist, must be respected. In addition, the temporal goods and patrimonial rights, and obligations of the extinct St. Margaret Parish must be defined 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. Margaret Parish are to be properly preserved and safeguarded in the parish archives of St. Mark Parish, Buffalo, 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. Joseph Tokasz, 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 6th day of January 2025.




Most Reverend Michael W. Fisher
Bishop of Buffalo


Ms. Melissa Potzler
Chancellor