



**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 POMPEII PARISH, LANCASTER AND  
ITS TERRITORY INTO ST. MARY OF THE ASSUMPTION PARISH, LANCASTER**

***THE FACTS***

The construction of the local railroad lines drew a substantial number of immigrants from the newly formed country of Italy in the 1890s. Soon after arriving, these faithful people set out to construct a church of their own. The Pastor of St. Mary of the Assumption Parish, the Rev. John Schaus, and the Pastor of St. James Parish, the Rev. Killeen, found themselves in a position to assist the dreams of this ethnic group. Under the direction of Rev. Schaus, land was purchased on the corner of Laverack and Cowing streets. On this land he oversaw the construction of a primitive church which could seat 125 people. This was dedicated by the Rt. Rev. Nelson Baker on 14 March 1909.

Various Italian priests visited the church to provide ministry to the faithful. Due to the attention needed in other parts of the diocese, these Italian priests were only able to provide ministry occasionally. Thus, the bulk of pastoral care fell to Rev. Schaus. Due to a growth in the community that worshiped there, the church was expanded in 1929.

On 12 April 1932, Our Lady of Pompeii became a parish in its own right. On 12 April 1932, Our Lady of Pompeii became a parish in its own right. At that time, it was established as a personal parish for those of Italian ancestry. The Rev. Leo Pulling was appointed as its first resident pastor. A rather serious fire broke out in 1934 which came with the unexpected benefit of providing an opportunity for a complete renovation of the church. A new church was finally constructed in 1956. This sacred edifice followed the general plan of Our Lady of Pompeii Shrine in Italy. A convent and school were completed in 1960, and the rectory was ready for residents in 1963.

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***

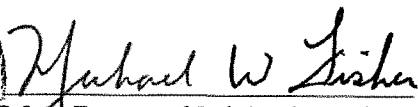
The reshaping of the diocese to prepare it for more effective ministry in the future requires a certain consolidation of resources. The goal of the Road to Renewal is to reduce the strain on our already limited number of priests while at the same time uniting communities to foster a greater drive to “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 Pompeii 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. Mary of the Assumption Parish in an extinctive merger.

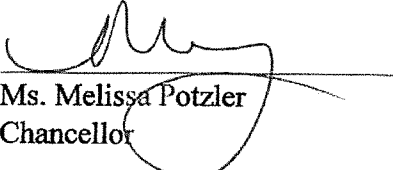
On 27 August 2024, the presbyteral council met at the Catholic Center of the Diocese of Buffalo. At this meeting, I consulted the council about the possibility of merging Our Lady of Pompeii Parish into St. Mary of the Assumption Parish, Lancaster. Rev. Zielenieski pointed out that there would likely only be three available priests serving in Family #9 by 2030. Our Lady of Pompeii Parish, taking advantage of the possibility of submitting a counterproposal to the initial plan of consolidation, offered many possibilities that would allow the church to continue to be used as a place for divine worship. The parish allowed for the possibility of being merged into St. Mary of the Assumption and staying open as a secondary worship site. All of this was discussed with the Presbyteral Council. The discussion noted that Our Lady of Pompeii accepted the merger and was happy to remain open. At the end of the consultation each member had the chance to vote on the proposition to merge Our Lady of Pompeii Parish into St. Mary of the Assumption Parish. The proposal received nearly unanimous support from the members of the Presbyteral Council.

This decree is to be communicated to the Rev. Msgr. Richard W. Siepka, the Moderator of the priests *in solidum* assigned to care for Our Lady of Pompeii and St. Mary of the Assumption parishes (c. 520 §1) and the churches 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 11<sup>th</sup> day of March 2025.



  
Most Reverend Michael W. Fisher  
Bishop of Buffalo

  
Ms. Melissa Potzler  
Chancellor