

Roman Catholic Diocese of Albany
Office of the Bishop

DEFINITIVE DECREE
ON THE REDUCTION OF THE CHURCH OF ST. PATRICK IN CATSKILL
TO PROFANE BUT NOT SORDID USE

In the name of the Lord. Amen

FACTI SPECIES

1. In 2008, the homonymous parochial church [hereinafter, the church] of the parish of St. Patrick in Catskill [hereinafter, the parish], located in the Diocese of Albany, was closed to divine worship for urgent reasons by my predecessor, the Most Rev. Howard J. Hubbard, who became very concerned with the condition of the edifice that posed a high risk to the safety of the faithful who worshipped in the church.
2. In 2010, a study of the church was conducted under the auspices of the parish administrator and the Diocese of Albany, finding the need to engage significant repairs to the church, the total cost of which was estimated at \$2,200,000; a capital campaign, which took place over several years, resulted in raising about \$200,000.
3. In 2016, I, the undersigned Bishop of Albany, became gravely concerned over the impossibility of the parish to raise sufficient funds to complete said repairs. In June 2016, I received a request from the priest appointed with the powers and faculties of a pastor (can. 517 §2 *CIC*) who requested the relegation of the church to profane but not sordid use.
4. On July 6, 2016, I heard the presbyteral council, who offered unanimous support for the relegation of the church to profane but not sordid use. Two days later, I issued a motivated decree for this relegation (cann. 1222 §2; 51 *CIC*).
5. On October 5, 2016, Mr. Nicholas March and four parishioners of the parish [hereinafter, the recurrents] presented to me a remonstratio seeking a revocation of the aforementioned decree of July 8, 2016. On November 17, 2016, I responded in the negative to the aforementioned remonstratio.
6. On December 5, 2016, the recurrents proposed recourse against the decree of relegation to the then-Congregation -- now Dicastery --for the Clergy for alleged violations of law in procedendo vel in decernendo.
7. On April 16, 2018, the Congregation decreed the rejection of the recourse proposed by the recurrents (Prot.N. 2018-0661).

8. On June 28, 2018, the recurrences proposed recourse against the decree of the Congregation for the Clergy to the Supreme Tribunal of the Apostolic Signatura. On October 18, 2019, the Congresso of the Signatura sustained the decree of the Congregation for the Clergy (Prot.N. 53812/18 CA). On November 14, 2019, the recurrences appealed the decision of the Congresso to the College of Judges of the Apostolic Signatura.
9. On March 26, 2021, in a decision of the College of Judges of the Apostolic Signatura, the College decreed that the Congregation for the Clergy erred in arriving at a decision rejecting the recourse, which was based on the lack of the convoking of the diocesan presbyteral council for a discussion and a deliberative vote in accord with the prescripts of universal law required ad validitatem (cann. 127 §1; 166 *CIC*).
10. On October 20, 2021, the Congregation for the Clergy, having considered the decree of the College of Judges of the Apostolic Signatura, revoked the impugned decree of April 16, 2018 (Prot.N. 2021-2108).
11. On November 8, 2021, I received notification from the Prefect of the Congregation for the Clergy of the aforementioned decision of the College of Judges of the Apostolic Signatura and the ensuing decree of revocation of the Congregation for the Clergy. The Congregation observed in the decision that the College of Judges found only a procedural, not a substantive, error concerning the issuance of the decree of relegation on July 8, 2016. Moreover, the College of Judges elected not to suspend this decree relegating the church to profane but not sordid use.
12. In the communication from the Congregation for the Clergy on November 8, 2021, the Prefect instructed me to conduct anew the process of consultation at a validly constituted meeting of the presbyteral council.
13. In accord with this instruction, I received a letter from the Rev. Anthony M. Barratt, the pastor of St. Patrick Parish, dated January 12, 2022 and received on January 15, 2022, requesting the relegation of the church to profane but not sordid use after Father Barratt consulted the parish finance council and the parish pastoral council.

On December 13, 2021, these two consultative bodies convened to deliberate on whether the structural issues that existed in 2016 at the time of the initial decree of relegation still persevered. Moreover, these two bodies also considered the present-day financial situation of the parish to determine if the difficulties in 2016 had resolved to allow the parish to support the church's repairs today. In their advice to the pastor, both bodies concluded unanimously that the situation concerning parish finances and the condition of the edifice was worse than in 2016. The structural repairs necessary in 2016 would be much more costly to undertake today. The minutes of the joint parish finance and pastoral council meeting that occurred on December 13, 2021 reveal a serious concern, namely, that if the faithful of the parish could not raise the required funds in 2012 to support the repairs, the community certainly cannot raise these funds today to cover the increased costs of the necessary repairs.

14. After I received Father Barratt's letter requesting the relegation of the church to profane but not sordid use, I requested the opinion of the diocesan finance officer and our experts from our diocesan finance department after these same experts considered the economic condition of the parish, especially since the time of my initial decree. Moreover, I also solicited the opinion of our

diocesan office of real property to assess the present state of the church and the breadth of repairs that would be necessary.

On January 28, 2022, I received written reports from both aforementioned offices of our diocesan curia. Mr. John Hutchinson, the diocesan chief financial officer, reported a negative fund balance for the parish -- more liabilities than assets -- of \$781,024 on its balance sheet. This amount in the negative includes what the parish owes the Diocese of Albany, which is \$853,527 of principal and \$66,671 in interest. Mr. Hutchinson concluded that the parish is in no position to engage in a campaign to raise funds to repair the church; any attempt to do so, he opined, would severely worsen the economic condition of the parish.

On the same day, Mr. Paul Ehmann, then-director of our office of real property, transmitted to me an eleven-page re-evaluation of the conditions of the church, which addressed the areas of site drainage, the roof, gutters, masonry, interior ceiling, moisture and mold, and the heating system. Mr. Ehmann, citing the recommended annual rate of inflation for construction projects at 5.25 percent, projected that approximately \$3,336,000 would be needed today to repair the church. When I decreed the relegation in July 2016, this amount was \$2,200,000.

15. I have also received and considered the opinions of "The Friends of St. Patrick's Church Catskill NY, Inc." [hereinafter, "The Friends"], a grouping of the faithful and other concerned citizens of the village of Catskill who wish to retain St. Patrick Church as a sacred building. In their October 29, 2021 letter to me received on November 3, 2021, the group petitioned me to approve the hire of an architect or other experts to assess the required repairs necessary to resume sacred worship in the church. In neither this letter nor in any other correspondence since has this association offered any plan to raise the monies needed for the repair of the church that would not at the same time worsen the economic condition of the parish.
16. On February 23, 2022, each member of the presbyteral council received an invitation to participate in a meeting of the council scheduled for March 8, 2022 at Our Lady of the Assumption parish hall in Latham, New York. The invitation included all the above reports and data, including correspondence and arguments presented to me by "The Friends."
17. In accord with the precepts of law, the members of the presbyteral council convened on March 8, 2022 (c. 166 *CIC*). Fifteen of the nineteen members of the presbyteral council were in attendance, or nearly seventy-nine percent of the council's membership. The minutes of this council meeting reflected the following discussion points:
 - a. "The building in question has not been in use for about 10 years. It has deteriorated since the last time relegation was attempted, such that repairs now are predicted to be about three million dollars."
 - b. "This decision to relegate does not involve the parish's existence, only the building's canonical status. It also does not involve the sale of the building. However, to sell it, relegation must happen first. The parish has moved to another worship space in the former school which has been dedicated to liturgical prayer and is canonically equivalent to a church."
 - c. "This is brought to our attention because the parishioners, Sr. Mary Mazza, former Parish Life Director, and their current pastor requested it. It stems from the will of the parishioners. Selling it would be to the benefit of the parish. Or a creative use might be considered."

- d. "Legally, without comparison to other parishes that have buildings in poor condition, the decision regarding St. Patrick must stand on its own merit alone. Additionally, there is no legal requirement that an architect agreed-upon by both the diocese and the Friends of St. Patrick group assess the building."
- e. "The diocese forgave a lot of the parish's debt. With other parishes in similar situations, how could the diocese forgive so much again to assist in such an expensive undertaking?"
- f. "Finally, there was speculation by members regarding the sale, demolition, donation, or alternate use of the building, and its financial future in insurance payments and the possibility of it being taxed by municipalities."

18. After time for legitimate debate, the question before the council was: "Is it your recommendation that the Bishop relegate the Church of St. Patrick to profane but not sordid use?" The fifteen members of the presbyteral council each answered this question in the affirmative.

IN IURE ET IN FACTO

19. Having prayed over and carefully considered for not a little time the opinions of the faithful of St. Patrick Parish and the pastor, the members of the parish finance and pastoral councils, "The Friends," the opinion of the presbyteral council, and the expert reviews on parish finances and the condition of the church edifice offered to me by diocesan experts, it is clear that my decree of July 8, 2016 ordering the relegation of St. Patrick Church to profane but not sordid use must be sustained.

The structure of the church edifice was unsound and deteriorating in 2016; this grave condition exists today and has been exacerbated by a lack of repairs over the years. No person has presented to me a reasonable argument that St. Patrick Parish is capable of raising approximately \$3,336,000 to fund the required repairs. The expense would be severely detrimental to the economic condition of the parish. The Diocese of Albany was incapable in 2016 of providing financial aid to the parish for such a restoration, and this current situation persists today. Moreover, there has not been any campaign or fundraising to add to the \$200,000 raised previously.

Even if the parish had the means to initiate a \$3.3 million campaign to raise these funds, another serious problem exists. Based on the advice from our diocesan finance officer and the director of the office of real property, St. Patrick Parish could not maintain the church structure and physical plant operations. The annual financial income statements and the amount of debt owed by the parish lead any reasonable person to conclude that the parish can no longer maintain this church.

Not a little weight has been accorded to the unanimous opinion of the members of the parish finance and pastoral councils, who have requested that this church be relegated to profane but not sordid use. Similarly, in a duly constituted gathering, the presbyteral council unanimously advised me to confirm the relegation that I decreed in 2016. In accord with Church law, although I am not obliged to follow the unanimous advice of the presbyteral council, I am not to act contrary to a unanimous opinion absent an overriding reason (c. 127 §2, 2^o CIC). This record establishes that no such overriding reason exists to act against the clear and cogent advice I have received from the members of the presbyteral council. There is no reasonable argument that any

person or group has offered me to support an alternative other than the relegation of this church to profane but not sordid use.

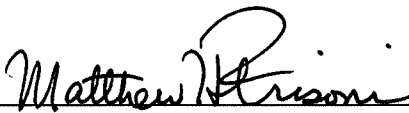
At the request of the Prefect of the Congregation for the Clergy, I met personally with Ms. Deborah Johnson, the representative of "The Friends," on June 11, 2024, in the presence of our judicial vicar, the Very Rev. Matthew H. Frisoni, and our director of the office of real property, Mr. Michael Kane. I explained the very serious difficulty of the condition of the church and the impossibility of obtaining the funds to make the necessary safety improvements to the church that would allow the faithful to worship in this space. While praising the witness of the parish to the Gospel over the years, the current reality is that the community will need to continue to proclaim the Good News and gather for divine worship in a locus other than the church in question.

20. The grave cause of relegation of a church to profane but not sordid use may exist not in one obvious grave cause but "arises only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation" (Letter from the Congregation for the Clergy, "Procedural Guidelines for the Modification of Parishes and the Closure, Relegation and Alienation of Churches" [Prot.N. 2013-1348, April 30, 2013]).
21. A careful examination of the history of the parish has revealed there are no persons who can claim legitimate rights -- understood primarily as patrimonial rights or rights associated with patrimonial rights -- as to the church in question who must consent to the relegation before the execution of the decree (Supreme Tribunal of the Apostolic Signatura, Final Decree of the College of Judges, November 21, 1988, *Communicationes* 20 [1988] 93).
22. Were the relegation of this church to be executed, the good of souls would suffer no detriment by this action because the community has gathered for divine worship since 2008 in an alternate location, the basement of the parish hall, where the sacred ministers of the parish community have conducted the various rites of divine worship. The parish continues to deliver pastoral care to the faithful in an exemplary manner despite the serious difficulties of the condition of the church.
23. THEREFORE, considering the above causes, which are sufficiently grave, and in accord with the process prescribed in universal law, I DECREE that St. Patrick Church is to be relegated to profane but not sordid use.
24. I DECREE that negotiations may commence to alienate the church, in accord with the prescripts of law.
25. I DECREE that before the alienation of the church, all sacred objects, relics, sacred furnishings, stained-glass windows, bells, confessionals, altars, et cetera, are to be removed for use in other sacred edifices or to be stored in ecclesiastical custody. If any altars cannot be removed, they are to be destroyed (cc. 1212, 1238 *CIC*).
26. This decree takes effect immediately. At the same time, I order this decree to be made public to all the faithful through its publication on the undermentioned day to the website of the Diocese of Albany, which is the legitimate notification. A notarized copy of this decree is to be transmitted to the Pastor of St. Patrick Parish.

27. All those who claim to have been aggrieved by this decree are notified that if they desire to propose recourse against this decree, they are required, for validity, to submit a petition to me within ten useful days from the legitimate notification of this decree seeking its revocation or emendation.

Given at the Chancery of the Diocese of Albany on the thirty-first day of July 2024.


BISHOP OF ALBANY


NOTARY