

Future of mausoleum in limbo

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By Paul Grimaldi

Journal Staff Writer

PROVIDENCE — A Rhode Island Superior Court judge said Monday that he wants to meet with government officials from the state and the City of Cranston to figure out what to do about a deteriorating mausoleum near Roger Williams Park.

Judge Michael A. Silverstein is trying to sort out who should pay to shore up the crumbling crypt located along the Providence-Cranston line, an expensive prospect that has a court-appointed lawyer stymied and government lawyers shunning responsibility.

Opened in 1926, the Roger Williams Park Mausoleum fell into disrepair when the last owner of the profit-making enterprise died.

When Katherine M. Cullinan died in 2002, her guardian found almost no money left behind to maintain the mausoleum, where 527 bodies are entombed. The following year, Silverstein ordered the mausoleum into receivership — a form of bankruptcy where a court appoints a trustee to either liquidate a company or sell its assets to pay its debt.

The current trustee, Providence lawyer Mark Russo, and lawyers for the city and state tossed responsibility for picking up the tab back and forth in a Monday morning court hearing.

Russo acknowledged that state law regarding the issue is vaguely worded. But barring discovery of a clear owner to pay for the crypt's upkeep, "you're supposed to socialize the cost of doing that."

Previously, Russo estimated the cost to disinter the bodies and bury them elsewhere at \$1 million to \$2 million. That's a financial burden neither the state nor the city seems willing to pay.

State lawyer Michael Mitchell said, when state lawmakers passed legislation regarding cemeteries and mausoleums, "they didn't put any onus on the Department of Health or any state agency" to bear the cost of maintaining them. Cranston's lawyer, Vito L. Sciolto, acknowledged some of the burden will fall to the city.

"I don't think we can realistically ignore this," Sciolto said.

Still, Sciolto said, the state "can't turn a closed eye to it."

Silverstein said he is willing to be a "catalyst" for a resolution. Mitchell countered that such "judicial activism" is unwarranted.

Silverstein concluded the hearing by asking the government lawyers to arrange a meeting between himself, Russo and "as [highly placed] principals" from the city and the state as are willing to discuss the case, after which he'll issue a ruling. No date was set for the meeting.

pgrimald@projo.com