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No decision regarding Barnes issue

Commissioners remain split on whether to file appeal

By Margaret Gibbons, Times Herald Staff

UPPER DUBLIN — The Montgomery County Commissioners Thursday night did not reach a decision on whether to continue their legal efforts to keep the renowned Barnes art collection in Lower Merion.

County Commissioner Bruce L. Castor Jr. made a motion to file an appeal of an unfavorable county court ruling, but it died for lack of a second.

However, no formal vote is necessary for the commissioners to make an appeal. The deadline for filing an appeal of Orphan's Court Judge Stanley R. Ott's ruling denying them status in the Barnes litigation is Monday.

Commissioners Joseph M. Hoeffel III and Commissioners' Chairman James R. Matthews said they doubted the county would be successful in an appeal. Instead, both favored Hoeffel's proposal to end the county's involvement in the litigation and engage the Barnes Foundation trustees in discussions aimed at keeping the approximate \$6-billion's worth of Impressionist art from moving to a new museum in Philadelphia.

Both cited concern that if the county filed an appeal it would leave the county open to financial sanctions that could run in the "tens of thousands of dollars."

Castor, confident the county would not be sanctioned, pledged to pay any financial sanctions out of his own pocket.

An appeal would give the county leverage in bringing the trustees to the bargaining table, according to Castor.

Hoeffel and Matthews said they would wait until county Solicitor Barry Miller provides them with his thoughts on the situation.

Numerous supporters determined to keep the art collection in Lower Merion pleaded with the commissioners to continue their legal efforts.