

**To the Editor:**

As the Commissioner from Merion (Ward 12), I would like to respond to the Honorable Phyllis Beck's letter to your paper, published on February 14, 2008.

The Barnes Foundation easily houses one of the finest collections of impressionist and post-impressionist art in the world. With 181 works by Pierre-Auguste Renoir, 60 by Paul Cézanne, 59 by Henri Matisse, 46 by Pablo Picasso, 18 by Henri Rousseau, 16 by Amedeo Modigliani, 7 by Vincent van Gogh, 6 by Georges Seurat, 4 by Edouard Manet, and 4 by Claude Monet, it is also one of the most important cultural, historic, economic, and educational assets of Lower Merion and Montgomery County.

Judge Beck's article was historically correct that restrictions on walk ups came both from Township zoning rules and Orphans' Court decisions over which the Township has little control. The Orphans' Court decisions were rooted in the 1922 Indenture that provides for classes to occur in the galleries where works of art could be studied in relation to each other and not in sterile classrooms. Given that visitors and students would occupy the same space, Dr. Barnes limited visitation to two days per week. This was increased to three days per week by a later Court decision that was followed by a Township Zoning Board in interpreting our Zoning Code.

In more recent years, the Township Board of Commissioners repeatedly reached out to the Barnes Foundation to increase visitation and take other steps necessary to meet the Trustees' goal of wider visitation. The Township passed two resolutions to this effect which were communicated to the Barnes Trustees. I met personally with their Executive Director to reiterate our offer of assistance, including amending our zoning laws to meet the institution's needs. The Board of Commissioners then, on its own motion, amended its zoning ordinances in a manner which increased visitation at the Barnes Foundation and similarly situated institutions. The ordinance was designed as a by right so the Barnes Foundation would not have to spend a penny in legal fees to utilize this provision. Visitation was increased from three to six days per week with increased visitation levels that come close to goals for the proposed gallery on the Parkway. The new ordinance, by its terms, and this Commissioner, invited the Barnes to seek higher visitation levels and take other steps which the Foundation deemed necessary to meet its financial needs.

In the seven months since the ordinance was amended, the Barnes has not availed itself of increased visitation or sought different or higher limits to aid in increasing revenues.

Judge Beck is also correct that the endowment that the Barnes has sought to create is an endowment to move to Philadelphia, not to stay in Lower Merion. One wonders how large an endowment could be created to keep the collection in Lower Merion if only the Barnes were to try. Given the County's generous real estate purchase/lease back offer that could generate over one million dollars per year in revenues and dramatically increased funding that could come from higher visitation, audio rentals, and gift shop sales, only a limited amount of fund raising would be necessary, if at all, to sustain the Foundation at its beautifully restored home in Lower Merion.

If the Foundation wishes to explore the alternative of staying, I will be happy to meet with them.

Brian Gordon, Esq.

Commissioner, 12th Ward, Merion