

“A last-ditch pitch”

Commissioners hold closed-door meeting on Barnes issue

By Margaret Gibbons

COURTHOUSE — With Monday’s deadline looming for an appeal, the Montgomery County commissioners still have not decided whether to pursue litigation aimed at keeping the renowned Barnes art collection in Lower Merion.

The county’s three commissioners Tuesday met behind closed doors for an hour and a half with members of Friends of the Barnes Foundation, a grassroots citizens’ organization opposed to moving the approximate \$6-billion’s worth of Impressionist art to a new but not yet built museum in Philadelphia.

“We have asked our solicitor to do more legal research on the matter,” said Commissioner Joseph M. Hoeffel III after the meeting.

The Friends of the Barnes group has agreed to provide county Solicitor Barry M. Miller with additional materials needed for the research.

“Personally, I am still not inclined to appeal,” said Hoeffel.

His concern, said Hoeffel, is that the county could incur financial sanctions that would have to be paid with tax dollars if the court determines that the appeal is frivolous.

Only the state Attorney General’s Office has the legal right to represent the public interest, said Hoeffel.

And, the state Attorney General’s Office has come down firmly on the side of the Barnes Foundation and its trustees in support of the move.

Commissioner Bruce L. Castor Jr. could not be reached for comment following the meeting.

However, in a press release he issued Monday, Castor said he supports pursuing all legal options to keep the Barnes art collection in Lower Merion.

Castor, who toured the museum last Sunday, stated, “I saw for myself what a treasure we would be allowing to leave our county. I was overwhelmed. I will strenuously argue that we should do all in our power to keep the Barnes in this county.”

Commissioners Chairman James R. Matthews Tuesday did not return messages following the meeting. Matthews last week cited concerns similar to Hoeffel’s fear of exposing the county to financial sanctions.

The appeal would be of an order handed down last month by Montgomery County Orphans’ Court Judge Stanley R. Ott, who rejected petitions from both the county and Friends of the Barnes to intervene and reopen litigation that previously cleared the way

for the move.

In that same ruling, the judge denied a request by the state Attorney General's Office, the Foundation and its trustees to order the county and citizens' group to pay their legal fees in defending against what they claimed were frivolous petitions to intervene in litigation that had long been settled.

The Barnes museum, which owns artwork that includes paintings by Matisse, Renoir and Cézanne, is located in Lower Merion on property owned by the late Dr. Albert C. Barnes.

Struggling financially, the Barnes Foundation went to the county court in 2002 to get approval to relocate the art collection to a new gallery that will be built in Philadelphia to make the museum more economically viable. Court approval, which was subsequently given in 2004 after protracted litigation, was necessary because Barnes, in his will, had specifically detailed that the collection remain in place.

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