

BERKSHIRE MUSEUM

Art sell-off slammed

Groups bristle, say damage will be done to US museums

By CARRIE SALDO
csaldo@berkshireeagle.com

PITTSFIELD — The Berkshire Museum's decision to sell 40 works of art to bolster its endowment and fund a renovation could have negative implications for museums across the country, two national museum membership organizations said on Tuesday.

"Actions such as those being proposed by the Berkshire Museum undermine the public's trust in the mission of nonprofit museums — and museums' ability to collect, teach, study and preserve works for their communities now and into the future," according to a joint statement issued by the American Alliance of Museums and the Association of Art Museum Directors.

The groups' stance came as no surprise to museum leadership.

"We expected the response that we got," Berkshire Museum Executive Director Van Shields told The Eagle.

Museum leadership met by phone on Tuesday with the alliance and the association. Both organizations had questions about how the museum intends to spend money raised from the planned sale of 40 artworks from its permanent collection, Shields said.

The museum plans a \$60 million re-envisioning, which includes money for its endowment, operations and a renovation for its South Street venue, largely funded by \$50 million it expects to net from that sale.

The museum's decision has been met by both support and criticism in the community. The museum has said it spent two years developing its plans, which were the result of input from 400 community members. And which it has said are needed to sustain it financially.

Public opposition to the museum's plans is growing. Laurie Norton Moffatt, director of the Norman Rockwell Museum, was the first to call on the museum to reconsider its plans. Since then others have joined her.

A letter from artists and community members opposed to the museum's stance also asks the museum to take another approach. Those signed on to the letter more than doubled to 55 people overnight, according to Leslie

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PHOTOS PROVIDED BY THE BERKSHIRE MUSEUM

George Henry Durrie's "Hunter in Winter Wood," an 1860 oil on canvas, is among the 40 works the Berkshire Museum is planning to sell at auction in the fall.

Locals react to auction list

"Actions such as those being proposed by the Berkshire Museum undermine the public's trust in the mission of nonprofit museums ..."

THE AMERICAN ALLIANCE OF MUSEUMS
AND THE ASSOCIATION OF ART MUSEUM DIRECTORS



William-Adolphe Bouguereau painted "La bourrique (The Pony-back Ride)" in 1884. The oil on canvas is one of the paintings being put up for sale by the Pittsfield museum.

By CARRIE SALDO
csaldo@berkshireeagle.com

PITTSFIELD — The artwork being sent to the auction block by the Berkshire Museum represents the "cream of the crop" of its collection.

So says Richard Rand, a former top curator at the Sterling and Francine Clark Art Institute in Williamstown.

But Berkshire Museum leadership has said it determined paintings by Norman Rockwell, William-Adolphe Bouguereau and Rembrandt Peale, are among 40 artworks that no longer serve its mission. It released a complete list of the works on Monday.

The museum recently announced a \$60 million plan for its future, largely supported by the sale of those works from its permanent collection, including a \$40 million boost for its endowment and a \$20 million renovation. The museum has said it expects to fetch at least \$50 million from the auction, which will be handled by Sotheby's.

"These are the best and some of the most iconic works," Rand said. "They are the best, and consequently the most valuable in the collection."

Rand, who now lives and works in California, was a Berkshire Museum member, served on its collections committee and in recent years helped to reinstall its paintings gallery. That project, which he undertook in addition to his full-time role as senior curator of paintings and

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US SENATE

Health care bill debate opens

Outcome in doubt

By ERICA WERNER
The Associated Press

WASHINGTON — Prodded by President Donald Trump, a bitterly divided Senate voted at last Tuesday to move forward with the Republicans' long-promised legislation to repeal and replace "Obamacare."

There was high drama as Sen. John McCain returned to the Capitol for the first time after being diagnosed with brain cancer to cast a decisive "yes" vote.

The final tally was 51-50, with Vice President Mike Pence breaking the tie after two Republicans joined all 48 Democrats in voting "no."

With all senators in their seats and protesters agitating outside and briefly inside the chamber, the vote was held open at length before McCain, 80, entered the chamber. Greeted by cheers, he smiled and dispensed hugs — but with the scars from recent surgery starkly visible on the left side of his face.

More inside

Senate vote draws ire in the Berkshires. **A4**

Gov. Baker looks to cut Medicaid in the Bay State. **A5**

Despite voting "yes," he took a lecturing tone afterward and hardly saw success assured for the legislation after weeks of misfires, even after Tuesday's victory for Trump and Republican leader Mitch McConnell.

"If this process ends in failure, which seems likely, then let's return to regular order," McCain said as he chided Republican leaders for devising the legislation in secret along with the administration and "springing it on skeptical members."

MCCAIN: 'STOP LISTENING TO THE BOMBASTIC LOUDMOUTHS'

"Stop listening to the bombastic loudmouths on the radio, TV and internet. To hell with them!" McCain said, raising his voice as he urged senators to reach for the comity of earlier times.

At the White House, though, Trump wasted no time in declaring a win and slamming the Democrats anew.

"I'm very happy to announce that, with zero of the Democrats' votes, the motion to proceed on health care has just passed. And now we move forward toward truly great health care for the American people," Trump said. "This was a big step. I want to thank Senator John McCain — very brave man."

At its most basic, the Republican legislation is aimed at undoing Obamacare's unpopular mandates for most people to carry insurance and businesses to offer it. The GOP would repeal Obamacare taxes and unwind an expansion of the Medicaid program for the poor, the disabled and nursing home residents. The

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Berkshire Mall owner pays debt to road district

Still owes money to Lanesborough

By TONY DOBROWOLSKI
tdobrowolski@berkshireeagle.com

LANESBOROUGH — The New York-based owner of the Berkshire Mall has retained legal

control of the county's largest retail complex by squaring his debt with the Baker Hill Road District, which has jurisdiction over the property.

But Kohan Retail Investment Group of Great Neck, N.Y., still owes back tax revenue to the town of Lanesborough, and will owe even more to both the town and the road district if it fails to meet the next payment deadline of

Aug. 1, which is the date that property taxes for the first quarter of fiscal 2018 are due.

After the Baker Hill Road District took legal action to obtain the back tax revenue, Kohan Retail Investment Group paid the \$239,440 it owed on Monday, four days after the 14-day notice seeking payment of that debt expired, Town Manager Paul Sieloff said. Under law, Ko-

han Retail Investment Group had six months after the 14-day payment date expired to settle its debt with the Baker Hill Road District and retain management of the shopping complex.

Kohan also owed back taxes to the town of Lanesborough, a sum that would have reached \$209,636 if it was not

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Slammed

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Ferrin, a gallery owner who helped to pen the letter and distribute it via a Facebook.

At least six art curators and museum professionals interviewed by The Eagle said they were shocked by the significance of artworks headed for the auction block. That list includes works by American painters Norman Rockwell, Albert Bierstadt and Thomas Dewing among many others.

In the statement released Tuesday, the alliance and the directors also urged the Berkshire Museum to reconsider its decision, and both organizations offered their assistance in developing alternative plans.

"The Berkshire Museum contends that in order to be a good steward of their institution they must be a poor steward of their collection. We believe those two responsibilities are not mutually exclusive," the statement said.

According to the alliance's code of ethics, the proceeds of work sold from a mu-



EAGLE FILE PHOTO

The Berkshire Museum is planning to sell 40 items from its collection to build an endowment and major renovation as part of a new vision, which has drawn a strong reaction from the museum community and related groups.

seum's collection should be used for acquisition or direct care of its collection.

The museum released a statement of its own.

In it, Shields held to its position adding he has been "gratified" by the community support for its new vision, the result of a two-year planning process.

"We believe it is the right strategy for the future of the Berkshire Museum and for the future of Pittsfield," he wrote.

The American Alliance of Museums is a membership organization that represents a range of museums and the Association of Art Museum Directors represents 243 di-

rectors of art museums in North America.

The Berkshire Museum is a member of the alliance but not of the Association of Art Museum Directors.

Reach staff writer Carrie Saldo at 413-496-6221 or @carriesaldo

Reaction

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sculptures at the Clark, allowed him to become familiar with the Berkshire Museum's collection of paintings, he said.

Each of the six art experts interviewed for this report was reluctant to single out a particular artwork of primary importance or significance from among the list. Many of the works being sold were part of its founding collection 114 years ago. And the artists represent a who's who of American and European painters from the 18th, 19th and 20th centuries. It also includes two sculptures by Alexander Calder and several Asian artworks.

Its plan, which museum leadership has said is needed to sustain it financially and aligns with community needs, has begun to attract vocal supporters and opponents in the region and beyond.

An email Monday from Berkshire Museum Executive Director Van Shields to "friends" of the museum emphasized that art would not be disregarded in its re-commitment to science and natural history, which was announced earlier this month.

"In fact, more art will be on view on a regular basis than at any other time in the museum's history," he wrote. "Also, the museum will continue to acquire art through purchases and donations, especially work that represents the diverse range of creators currently living and working in the Berkshires today."

That position is one Rand said he struggled to reconcile.

"If art will remain a key part of the Berkshire Museum's mission, then I don't see how selling many of these works can do anything except undermine the mission," Rand said.

The Berkshire Museum may have the only regional examples of American artwork by at least nine artists on the list of works to be sold, including landscape painters Albert Bierstadt and Frederic Edwin Church as well as Charles Willson Peale's portraiture,

said art curator Kevin Murphy.

"To the best of my knowledge, the only examples in the neighborhood," Murphy said. "Between the Clark, [Williams College Museum of Art], and the Berkshire Museum, North County really has had the ability to tell a comprehensive narrative about the history of American art."

(Murphy's comments were made independent of his position at WCMA, where he is senior curator of American art.)

Pittsfield native Mark Leach said he too was concerned about the stories likely lost to the community after the artworks are sold. He called all of the art on the list "a foundation and a springboard" to understanding the region as well as the wider world.

"It really helped to shape my world as a young kid to be able to reflect on art, science and natural history," he said.

Now a resident of North Carolina, the museum consultant, arts writer and curator said he returns to the area at least annually and often visits the Berkshire Museum.

He said the artworks to be sold offer "solace and inspiration and serve as an opportunity to step back in time as well as be in the present with the artifact."

Lynn Villyency Cohen, an art historian, writer and art appraiser, said she has often visited the Berkshire Museum to study and admire many of the paintings it plans to sell.

"These are not minor works of art housed in storage," she said. "Each one of these has been on display for the public through the years."

The part-time Stockbridge resident is also the chairwoman of the collections committee of the Stamford Museum and Nature Center, where she became acquainted with its director, Sharon Blume. Blume, who died in 2005, was a former Berkshire Museum director.

"You take away the charm, quirkiness, and the most valuable pieces that were clearly put there for the public domain, what do you have?" Villyency Cohen asked. "You have a building."

There are also many in the community who say they support the museum's

plans.

Peter Lafayette, a member of the Berkshire Museum and among those who took part in a focus group for its new vision, said the plan is the "right one."

He said the museum needs to address its structural deficit, which leaders have said is \$1.15 million annually. Lafayette is also the former executive director of the Berkshire Bank Foundation, which donates to many nonprofits in the county, including the Berkshire Museum.

"If the museum halls are closed there are no walls to hang the art on anyway," he said. "I challenge people to come up with what the alternative is. If not selling the art, how do you come up with a sustainable plan? This is probably the only way to do it."

Jenn Gomez, a former Berkshire Museum employee who still lives and works in the area, said she was often frustrated by community response to its work.

She recalled hosting movie screenings with as few as five people, and decried the fact that people were reluctant to pay full price for fundraiser tickets or to make an outright donation. She said lack of community support has contributed to the museum's current challenge.

And she said she has never regarded the institution as an "art museum."

"It's always been a community portal to experience and interact with the world we live in," Gomez wrote in an email. "I would much rather see it stay alive and evolve with the times than to see it keep doing the same thing over and over again for the next 50 years."

Shields has said the artworks will be sold sometime in the next six months, but he has declined to say specifically when an auction or auctions will take place.

Sotheby's plans to release its auction schedule in September, Darrell Rocha, Sotheby's U.S. press office director, said via email.

Mall

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owed the town for fiscal 2018 before paying what it owed for fiscal 2017.

"He didn't tell me anything," Sieloff said. "The thing just showed up by FedEx."

He said town officials are "moderately pleased" that Kohan had taken steps to reduce its debt.

"But we really need to get the payments on a more organized basis," he said, "in that when the bills are due we would prefer they be paid on time without the need for FedEx and phone calls, etc., etc. It just makes it more complicated trying to fulfill the responsibilities of the tax collector's office and my office."

"We have a very good process for getting them out on time," Sieloff said, referring to the town and the road district's property tax bills. "I hope the Berkshire Mall will come into compliance when the money is due next week and that we not have another lag."

Mike Kohan, the principal of Kohan Retail Investment Group, said Tuesday that he will pay what he owes by Aug. 1. But Kohan said it has been difficult for him to meet the town's property tax deadlines because he's had to put money into the financially struggling Berkshire Mall to make up for a loss in revenue.

Kohan purchased the Berkshire Mall for \$3.5 mil-

lion last September, but the shopping complex has lost two of its anchor stores, and is about to lose a third when J.C. Penney closes its doors for good on Monday, July 31.

Between March and April three other national retailers also announced that they planned to leave the mall.

"We've lost a few tenants, as you know," Kohan said. "These things do not add anything to our incomes. They subtract out your income dramatically when you consider it's one side of the equation. When you're reducing your income the other side, expenses, go up."

"But again, we're going to pull through," he said. "I'm not saying I'm giving up on anything, absolutely not."

But in business, Kohan said, "you have to make enough money to at least to keep your head above water."

Kohan Retail Investment Group owns 16 shopping malls located between Florida and Washington state. The company specializes in purchasing and trying to revive distressed shopping centers like the 29-year-old Berkshire Mall, which has had three owners since 2014.

The loss of tenants at the Berkshire Mall has been compounded by the retail complex's assessed value, which is \$19.5 million, according to town records. At that level, the mall's property taxes remain high and

don't offset the loss of tenant income. The town's assessed value of the mall is more than six times higher than what Kohan Retail Investment Group paid for the property.

"Obviously, I don't want to be behind, period," Kohan said. "But there are certain expenses that don't allow me to do it (pay the property tax revenue) pinpoint on the dot, you understand? The assessment didn't go down and that's what hurt me. If it had been assessed at even twice as much (rather than six times as much) it would be a big help with the tax payment," he said.

Kohan reiterated what he said earlier this year that he plans to hold onto the Berkshire Mall. "I don't have any buyers, or any serious buyers," he said. "If someone is going to come along and make plans that are good for the community, I would definitely sell it. But so far I haven't seen it."

Kohan said he has had conversations with retail chains about filling the spaces left behind by the mall's big box tenants, but declined to identify them, saying only that they are "known to the community and known to the market."

"My philosophy is looking," for tenants, he said. "I will do that nonstop. I have talked to some people about taking the big boxes, but I haven't concluded anything with them."

empty promises, and weeks of hand-wringing and false starts on Capitol Hill, it was the Senate's first concrete step toward delivering on innumerable pledges to undo former President Barack Obama's law. It came after several near-death experiences for earlier versions of the legislation, and only after Trump summoned senators to the White House last week to order them to try again after McConnell had essentially conceded defeat.

"The people who sent us here expect us to begin this debate, to have the courage to tackle the tough issues," McConnell said ahead of the vote.

Democrats stood implacably opposed, and in an unusual maneuver they sat in their seats refusing to vote until it was clear Republicans would be able to reach the 50-vote margin needed to get them over the top with Pence's help. "Turn back," Minority Leader Chuck Schumer of New York implored his GOP colleagues before the vote. "Turn back now, before it's too late and millions and millions and millions of Americans are hurt so badly."

Schumer's pleas fell on deaf ears, as several GOP senators who'd announced they would oppose moving forward with the legislation reversed themselves to vote "yes."

Senate vote draws ire in Berkshires

By Eoin Higgins
ehiggins@berkshireeagle.com

"Senate Republicans have just voted to open debate on destroying our health care system," said Sen. Elizabeth Warren, D-Mass.

Warren's remarks came in a statement responding to the close vote Tuesday in the Senate to proceed with debate over the Republican plan to repeal and replace the Affordable Care Act. The legislation doesn't have many fans in either the state nor federal delegations for the Berkshires.

The federal health care debate has been a hot Washington topic since President Barack Obama first asked lawmakers to pursue a fix to the issue early in his first term. The resulting bill, called "Obamacare" by supporters and foes alike, expanded health insurance to millions of Americans.

Critics contend that the law raises prices, cuts choice, and hurts the health care industry.

Even after Tuesday's vote to proceed the legislation still faces an uphill battle, said Rep. Richard Neal, D-Springfield. He explained that Majority Leader Mitch McConnell, R-Ky., must guide his divided Republican caucus through a series of procedural votes over the next few days to get to repeal — and then must settle on a replacement plan that they can agree on. And what that replacement will look like is unknown.

"I don't think they even know what they're voting on," Neal said.

Neal also noted the GOP rush to get the bill done with little input from Democrats and little public transparency didn't match up with the last seven years of Republican rhetoric.

"For them to complain after almost two years of hearings; over 100 amendments; after three full committees in the House and the Senate; to say we upended regular order in Congress and then do this, it's ironic," said Neal.

Sen. Ed Markey, D-Mass., said in a statement that he too was confused about what bill the upper chamber was voting on — though, he added, it didn't matter too much in the long run.

"It is a testament to how divided the Republican Party is over how to replace the health care law that we still don't know on which version of Trumpcare we have proceeded to vote," read Markey's statement.

"But it doesn't matter which bill Republicans bring up for a vote, because all versions of the Republican health care bill are terrible."

State lawmakers from the Berkshires were concerned about the legislation and Republican plans for health

care, they said.

State Rep. Paul Mark, D-Peterborough, told The Eagle in an email that if the legislation in the Senate resembles the House bill that passed in early May the region could be in trouble.

"If a health care bill similar to what passed the House is signed into law, Massachusetts stands to lose between \$1 billion and \$2 billion dollars in funding from the federal government," Mark said. "There is no easy way to make up that lost funding, and cuts of that magnitude will have a negative impact on people in the Berkshires and throughout the state."

Berkshire residents in particular should worry about how health care cuts will affect them, said state Rep. Tricia Farley-Bouvier. She said that Berkshire County lights up "like a heat map" in studies showing how the working poor could be affected by reductions in Medicaid funding.

The Republican health care plan would exacerbate those issues in the region, Farley-Bouvier said. And the fact that the bill narrowly advanced on a party line vote due to the presence of Sen. John McCain, R-Ariz., who was recently diagnosed with glioblastoma brain cancer, was not lost on the Pittsfield lawmaker.

"That he would come during a serious health care crisis in his life and then proceed to vote to take the health care of millions," said Farley-Bouvier, "the irony is not lost on me."

The federal debate has been on the minds of Berkshire legislators for weeks. On July 18, state Rep. William "Smitty" Pignatelli, D-Lenox, told The Eagle that he felt it was best for the commonwealth to find its own solution to health care rather than wait on Congress to deliver a fix. And that fix might not be helpful for Massachusetts, Pignatelli said.

"I'm fearful of the terms of the debate in D.C. right now," said Pignatelli.

That sentiment was shared by state Sen. Adam Hinds, D-Pittsfield. Hinds said that the context of the health care debate in Washington had made clear that there's more work to be done.

"It's only confirmed that health care is a right," Hinds said.

That's an attitude that was shared by the late state Rep. Gailanne Cariddi, D-North Adams. In Cariddi's last interview with The Eagle on April 9, she said she had been in favor of a single payer system for years. That solution, Cariddi argued, is the most efficient and would deliver care to the public in the most just and affordable way.

"We just need to get everyone on the same page," she said.

Health

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result would be 20 million to 30 million people losing insurance over a decade, depending on the version of the bill.

The GOP legislation has polled abysmally, while Obamacare itself has grown steadily more popular. Yet most Republicans argue that failing to deliver on their promises to pass repeal-and-replace legislation would be worse than passing an unpopular bill, because it would expose the GOP as unable to govern despite controlling majorities in the House, Senate and White House.

Tuesday's vote amounted to a procedural hurdle for legislation whose final form is impossible to predict under the Senate's byzantine amendment process, which will unfold over the next several days.

Indeed senators had no clear idea of what they would ultimately be voting on, and in an indication of the uncertainty ahead, McConnell said the Senate will "let the voting take us where it will." The expectation is that he will bring up a series of amendments, including a straight-up repeal and fuller replacement legislation, to see where consensus may lie.

Yet after seven years of