



CONTRAST — Cambridge's old court house, with its four-sided clock and weather vane provide an interesting contrast with the new facilities under construction to its one side. (Tom Landers photo)

High court to probe courthouse costs, delays

By Bruce McCabe
Globe Staff

The state Supreme Judicial Court will hold an unusual session today to consider reports of hugely inflated costs and delays in construction of the new Middlesex County Courthouse in Cambridge.

Chief Justice Raymond S. Wilkins' disclosure of the special court session occurred amid a series of rapid developments in the controversy over why construction has been halted on the 18-story structure.

The prime contractor, Gevyn Construction Corp. of Maroneck, N.Y., has charged that the cost of the structure will increase 250 percent — from \$16 million to \$40 million — before it is completed.

George Ungar, president of the corporation, said 3500 changes had to be made in the original plans and specifications; of the 158 architectural drawings, 150 had to be revised; that his firm and subcontractors have ceased work on the project because the county commissioners stopped paying them and that foundation work done by another firm has caused a two-year delay in construction.

The developments included:

- An attempt by the Middlesex county commissioners to rebut allegations by the prime contractor, Gevyn Construction Corp. of Mamaroneck, N.Y., that orders for changes on the construction and delays in payments on the part of the commissioners have caused the delay.

- A thwarted attempt by a state representative for an investigation by a five-member House committee.

- Ungar's statement that he had been given a "political education" in his business dealings with the commissioners. Ungar also promised to detail his allegations at a press conference at 11 a.m. today at the 1 Center Plaza offices of his Boston attorney, Fred Roche.

- A call for the appointment of a group of blue ribbon investigators to probe the reasons for the construction delay. The call was issued by Somerville Mayor S. Lester Ralph, who said, he had also ordered the city treasurer to halt payment of county assessments for 1970 "until this matter is fully investigated."

Reports quoted Ugar as saying the new courthouse would cost \$40 million to build, about two and a half times the original estimate of \$16 million. "I'm not a taxpayer of Middlesex County... I'm sick at these developments," Ungar was quoted as saying.

The special session of the state Supreme Judicial Court was called by Chief Justice Wilkins under terms of a state law which says the Supreme Court has the power to remove certain public officers, including county commissioners, if "the public good so requires."

The law is said to have been invoked only in unusual cases and is said to have not been used often.

Under the law, the court also has the authority to appoint a commissioner

with full investigatory and subpoena powers to look into the matter and file a report for the court.

The three Middlesex County Commissioners — chairman John F. Dever Jr. of Woburn; John L. Danahy of Cambridge, and Frederick J. Connors of Somerville — responded to the allegations in the published report at a press conference yesterday at the Middlesex Probate Court building in Cambridge. The girders of the unfinished courthouse structure were visible a block away through the windows of the courtroom.

The press conference was held several hours before the announcement of the special session of the state Supreme Judicial Court.

Chairman Dever read a prepared, two-page statement which began by branding the report as "false, misleading and totally unsupported by the facts."

Ungar was characterized by Dever, with the concurrence of his fellow commissioners, as "a disgruntled contractor who did not conform to the contract, and as a result the commissioners fired him."

Ungar's quoted statements and his scheduling of a press conference were described as "an unethical attempt to litigate this matter in the press and other news media rather than in an appropriate judicial tribunal."

The commissioners' statement said a Certification of Breach by the architect of the project and a termination notice to Ungar's concern contained the reasons for Ungar's dismissal from the project, "all of which were attributable to the inadequacy, inability or unwillingness of Gevyn to perform its contract."

The call for a House investigation was made by State Rep. William G. Robinson (R-Melrose), who sought to have rules suspended for the introduction of his order for such an investigation.

Robinson's bid failed by a vote of 100-91.

Ungar, contacted at his New York office and asked to respond to the day's developments, said that "things are moving almost too fast for me today" and that "I certainly didn't expect the Supreme Court to become involved."

He repeated his contention, made in the published report, that the commissioners had not released his company from the contracting job but that he had withdrawn because the commissioners had refused to pay him for work performed.