

The Cornell Daily Sun

Vol. 126, No. 24 ■ ITHACA, NEW YORK, FRIDAY, SEPTEMBER 25, 2009 ■ 20 Pages – Free

Workers Find Mercury Near Johnson Museum

By DANIELLE DAVIS
Sun Staff Writer

Thirty pounds of mercury were recently discovered after being veiled for over half a century in the buried ruins of Cornell's former chemistry lab. An excavation team ran into the potentially hazardous element while working on an expansion to the Johnson Museum, a project which covers ground where the Morse Hall chemistry building once stood.

"This is a reportable incident, it's on the public record, and we're working with the New York State Department of Environmental Conservation until it's all cleaned up," Steve Beyers, manager of the Engineering Services Group in the Cornell Office of Environmental Compliance and Sustainability, said.

The dangerous metal was located near a floor drain in Morse Hall's foundation, as well as in the pipe leading from that drain.

Much of the mercury has been salvaged, put into drums and is ready to be reused. But mercury's extremely malleable quality makes it difficult to contain and even harder to recollect once it is released into the environment.

"There's a significant amount of affected material," Beyers said.

Any earth matter or building material tarnished by the mercury and unable to be separated from the metal falls under the umbrella of "affected material," all of which will go to a lined landfill, he said.

According to Beyers, about 15 feet of pipe is still enclosed underground, mud sealing off whatever mercury might be present. Those remaining feet of pipe are beyond the scope of the current excavation, however, thus another approval request is required in order for Cornell to complete the clean up.

Until then, and as the building project continues, air monitoring devices have been installed on site to ensure the safety of the



ALEX SILVER / SUN STAFF PHOTOGRAPHER

Dangerous discovery | An excavation team working on the new Johnson Museum addition uncovered 30 pounds of mercury underground.

workers and the surrounding Cornell community. The monitors have yet to detect harmful conditions.

"A liter of mercury [which is the equivalent of 30 pounds] could cause a lot of damage if it were let loose," Barbara Baird said, chair of the Chemistry and Chemical Biology Department. She asserts that in contemporary times, a dangerous spill of

this kind would never occur.

"There's a whole protocol with hazardous material now, whereas in the past, people were much less concerned about monitoring these things," she explained.

Morse Hall, which was built in the 1890s and housed the chemistry department until

See **MERCURY** page 4



COURTESY OF JAMES ORCUTT '95 MMH '02

Watch out | A car crashes into a tree on Dryden Road in Collegetown early yesterday morning.

Car Collides With Tree in Early Morning Accident

By SUN STAFF

Some Collegetown residents were jolted from their sleep early yesterday morning by the sounds of screeching tires, a thunderous crash and the sustained blare of a car alarm. Those who ventured over to Dryden Road to locate the source of the disturbance found a large car wrapped around the base of a tree, smoke lightly wafting from its undercarriage with the stinging smell of burnt rubber.

At approximately 1:45 a.m., a silver Ford Flex was heading east along the 400 block of Dryden Road when its driver presumably

lost control and veered right onto the sidewalk. After barreling through a lawn sign, the car collided with a tree, tearing it in half; the uprooted trunk ripped up a small section of the sidewalk, while the top portion careened and fell on the car's roof.

Zachary Gerow '10 watched the aftermath of the collision from his porch, and said that two people were occupying the car at the time of the accident. Gerow said that the driver, who he described as an average-sized white male wearing baggie jeans and a tank top, quickly fled the

See **CRASH** page 4

Litigation Plagues New WCMC Bldg.

University, NYC landlord dispute unpaid rent and delays

By ALEXEI ADAN
Sun Staff Writer

After failing to pay months of rent for occupancy within a new building, Cornell University has found itself embroiled in litigation against the building's owner.

1240 First Avenue LLC constructed a building in New York City located on 400 East 67th St. that hosts commercial space in addition to luxury residential condominiums. A total of 25,000 square feet of space within the building was rented by Weill Cornell Medical College, split between the second, basement and subbasement floors of the building.

The issues began when construction on the building was delayed, and Cornell started to complete its own internal construction on its portion of the building without notifying the landlord.

Cornell's occupancy of the newly built office space complicated rent and lease issues, which have now been taken to court. The case is currently being handled as two separate

issues in different New York State court circuits, the Supreme Court and Civil Court.

The University initiated litigation when it asked the Supreme Court to relieve them of paying rent for occupying the space while it was still under construction. They also sued 1240 First Avenue LLC for damages relating to the construction delays, according to

rent. There's no dispute about that," Hadlock said during a court hearing, according to a transcript. "The only issue is [what] the rent commencement date [is] and that's a construction issue. And we have said from the beginning that this is a pretty complex construction case that we have asserted 13 different problems that we've encountered."

The incomplete construction led to internal issues with the building which Hadlock said he believes led to an unreasonable number of delays. "There's any number of significant construction issues such as when, if

ever, did our space get waterproofed. It's been constantly flooded. Still are to this day," he added.

1240 First Avenue LLC, meanwhile, has recently motioned against Cornell's desire to litigate the case in the Supreme Court. Robert Semaya, one of the Moses & Singer L.L.P. attorneys representing the landlord in the case,

See **WEILL** page 6

"We know we haven't paid rent. There's no dispute about that ... The only issue is [what] the rent commencement date [is] and that's a construction issue."

John M. Hadlock

Deputy University Counsel James Kahn.

John M. Hadlock, the Winston & Strawn L.L.P. attorney who represented Cornell recently in its motion in the Supreme Court, stated that because construction was not complete when Cornell began to further develop its space, the contractors unreasonably interfered with Cornell's use of its space.

"We know we haven't paid

NEWS: C.U. Collaboration

World renowned artist Maya Lin works with the Lab of Ornithology for her latest project. | 5

OPINION: Let's Kvetch

Editors and columnists sound off about all that's been ticking them off. | 9

ARTS: Matt Damon!

Damon plays Mark Witacre, a mid-level employee with a wild imagination. | 10

WEATHER:



HIGH: 65°
LOW: 44°