

## MEDIATE THIS !

## THE NEW NEIGHBOR WITH EXPENSIVE TASTE IN FENCES

BY STEVEN P. DINKIN

## Dear Mediator:

The previous owner of our house installed a fence around the property, and it's in good shape. When our neighbor on the north replaced his fence, he left the shared portion of our fence intact. Our new neighbor (of six months) on the south has spent a lot on her "fixer upper." She wants to install an expensive fence around her property, and she wants us to pay half for our shared portion. She also wants the neighbors on her other side to pay half for that portion, but they will only pay half for a plain fence. My husband wants to reason with her. I want to tell her to pound sand.

*Don't Fence Me In in Tierrasanta*

## Dear Don't Fence Me In:

If a stranger told you to pay for something you neither need nor want, "Go pound sand" might be an understandable response (although not something a mediator would ever recommend).

But 24/7 neighbors have a standing all their own. With some effort, you can end a friendship, part ways with a relative, or find a new job. The only real escape from a difficult next-door neighbor

comes through the upheaval of a move. And there's no guarantee your new neighbors will be any easier.

The road to resolving high-stakes neighborhood conflicts runs along two tracks. The first track, ascertaining the law, is almost a formality. The second track, negotiating a peace settlement, is where real outcomes happen.

California Civil Code 841, cheerily known as the Good Neighbor Fence Act of 2013, decrees that "adjoining landowners shall share equally in the responsibility for maintaining the boundaries and monuments between them." If you didn't read any further, your neighbor's demand would seem valid.

But wait — there's more. The "share equally" obligation is lifted if the fence would cost more than the value it delivers, if the cost would impose undue financial hardship, or if the cost would be inflated by one neighbor's personal aesthetic preferences. One or all probably apply to your situation.

Your neighbor cannot force you to pay for her dream fence. Instead of feeling exasperated by her gall, you should feel secure in your solid legal standing. From there, you could muster up sym-



GETTY IMAGES

**In this week's query, neighbors are asked to pay half for the construction of shared, relatively expensive, yard fencing.**

pathy (a conflict resolution elixir) for someone who seems overextended and needs help to gain her footing.

Your husband is on the right (second) track. Before you can reason with this woman, you need to establish a good relationship with her.

You and the other neighbors appear to be a united front, which

gives you leverage. Start with an act of kindness. Drop off a gift food basket with a "Congratulations on the Remodel!" card signed by everyone. Include a message about how much you all admire the upgrade work she's done.

Then send your husband over as the group's emissary. He should first hear her out by asking

open-ended questions: How did she come to choose the house and the neighborhood? How is everything working out? Does she need any recommendations about local stores and nearby facilities?

When she brings up the fence, he can say ruefully, "We're short of cash right now. We wish we could help out, but we just can't afford it." To sweeten that dose of raw honesty, he could extend another offer.

It's a rare homeowner who doesn't have refuse or junk that needs to go. Maybe you could line up a hauling service and give her free space in the truck.

She may still fume and fret, but she also needs to be on good terms with her neighbors. Stay on message, stay positive in future encounters, and give her time to settle in and recalibrate her behavior.

Steven P. Dinkin is a professional mediator who has served as president of the San Diego-based National Conflict Resolution Center since 2003. Do you have a conflict that needs a resolution? Share your story with The Mediator via email at [mediate@ncrconline.com](mailto:mediate@ncrconline.com) or as an online submission by visiting [ncrconline.com/MediateThis](http://ncrconline.com/MediateThis). All submissions will be kept anonymous. If you have questions, email me at [lora.cicalo@suniontribune.com](mailto:lora.cicalo@suniontribune.com)

## NOTEBOOKS

From Union-Tribune reporting staff

## ERNIE COWAN OUTDOORS

## Spring's beauty seen in own backyard

My old cat lying on the living room floor in the small puddle of warm sunlight was an indication that spring has arrived.

The sudden appearance of brightly colored orioles, or the courting song of the house wren were additional clues.

These are the obvious signs that the season of renewal is here, but sit for a while and there is so much more to prove that our region is celebrating spring.

For the nature lover, this spring could be the benchmark for future years.

Water is life, and San Diego's abundant winter rainfall has produced life everywhere.

Hillsides are ablaze with golden poppies, lilac and lupines. The desert sands are a blanket of verbena, sunflowers and smaller Parish's poppies.

But you don't have to go that far to enjoy this time of plenty and season of change.

Spend a little time in your garden, or at a nearby park and you will be amazed at the wonderful things you will see.

During a brief time-out one morning, I lost track of the seasonal joys I witnessed.

March is the time when yellow and black-hooded orioles arrive from their winter homes in Mexico. At the kitchen sink, I spotted a beautiful male at the nectar feeder, and that's what drew me outside.

For a little more than an hour, enjoying the soft warmth of the morning sun, whispering wind and fragrance of spring flowers, I had a parade of seasonal birds and animals to enjoy.

As I smiled at the oriole aggressively feeding, I could hear the repeated song of a male house wren seeking to attract a mate. Hopefully they will soon occupy one of our two nest boxes as they did last spring.

Nearby, the greedy scrub jays were shuttling from my feeder to some secret place where they stash their loot after pulling raw peanuts from the wire enclosure.

It must have been bath day, because the garden fountain was filled with lesser goldfinch, dove, hummingbirds and towhee taking baths.

Painted lady butterflies were feeding on blooming garden flowers, and a spiny rock lizard did push-ups on a rock. It looks like exercise, but it's actually a mating display and a territorial declaration. The lizard spends a lot of time there. I think he owns the rock.

Bees buzzed around flowers, and a road-runner announced his arrival with a clacking noise, eventually appearing near the patio as



ERNIE COWAN

**A bee enjoying spring abundance.**

he foraged for snails and lizards.

I hope the spiny lizard doing push-ups takes notice.

Gazing across the canyon, I marveled at the rare sight of hillsides covered in a carpet of green grass. In the clear blue sky, dotted with puffy white clouds, a pair of red-tailed hawks engaged in their courtship ritual.

This is a short season in Southern California, and soon it will transition to summer.

Spring is often underrated. Fall is such a beautiful season, it has two names — fall and autumn. I think we should honor spring in the same way. How about spring and vernal?

For now, we can visualize the words of Sitting Bull, who said, "Behold, my friends, the spring is come; the Earth has gladly received the embraces of the sun, and we shall soon see the results of their love."

## Bird class

Palomar Audubon Society is again offering bird classes on consecutive Tuesday evenings beginning April 16. The first three classes will be for beginners, and the last three will be for intermediate birders.

There will also be three Saturday field trips, April 27, May 11 and 25.

Classes start at 6:30 p.m. at the Glassman Recreational Center, 18448 Rancho Bernardo Community Center Drive.

Classes will cover the classification of birds, field markings of local birds, behavior, vocalization, tracking and habitats.

Cost for either class is \$60 or \$90 for both.

The course will be led by Phoenix Von Hendy, a longtime birding leader in North County and a certified tracker naturalist.

For questions about the course or registration, email [rcfowl@cox.net](mailto:rcfowl@cox.net).

Email [ernie@packtrain.com](mailto:ernie@packtrain.com).

## THE READERS' REPRESENTATIVE: ADRIAN VORE

## Letter too short? Write an essay

Readers who feel that their thoughts are stifled by the brevity of letters to the editor have a new, longer form of expression available to them.

The editorial and opinion team is now offering the opportunity to write 500-word essays on topics of the day.

The essays began Saturday. The editorial team had solicited pieces on California's death penalty.

The idea behind the essays, said Matthew T. Hall, the U-T's editorial and opinion director, is to cultivate more and diverse voices.

"Letters, while helpful, do not leave a lot of room for nuance at 150 words," Hall said.

The opinion team will give the subject for discussion. His goal is to regularly present at least two essays, possibly once a week on Saturdays.

## Feedback on lawsuit story

Last week, I asked readers what their thoughts were on a story about a lawsuit a Chula Vista police officer filed against the city. He said his family pet dog contracted an infection from his canine partner, and he is seeking to recover out-of-pocket expenses on veterinarian bills for the pet. The infection led to the death of the police dog.

A reader emailed the U-T and said the lawsuit should not have been reported. The officer should not have to give up privacy just because he is a public employee, the reader said. Also, a lawsuit being a public document should not have been a factor either, the reader argued. Most lawsuits are not written about, she said.

Several readers who wrote to the Readers' Representative disagreed.

**Richard Sheresh of Chula Vista:** "I believe the article was in the public interest. I sent my thoughts to my representative that the city was being penny-wise and pound-foolish. To have a lawsuit for a trivial amount meant that someone felt they were being ignored and disrespected. ...

"My opinion is that when someone is using the public's judicial system to right wrongs, they have left their private space to enter public space. After that, anyone should expect to be examined by the press to see if there is a public interest. ...

"I understand that some would find the article not 'important' enough to be put into the paper. Not so. This type of newspaper digging is useful because it uses an

example to show a wider area of interest such as ethics, morals, judgments, rights of individuals, public's right to know, etc. that (in my humble opinion) need to be reflected upon and published often to keep the thinking public aware that sometimes trivial matters matter."

**Patricia Sharp of Carlsbad:** "Whereas a worker for a private industry might make the argument that bringing in their work arrangement during a suit for damages should not become public, a government worker is a 'public servant' as they like to remind us, and thus any financial arrangements involving that worker and his/her employer, (us, the taxpayers, the government), may be considered to be public information, to allow us to know how our tax money is being used."

**Greg West of Poway:** "The Union-Tribune has not just the right, but the duty, to report on significant public issues."

## Grammatical error

Several readers emailed about a grammatical mistake that appeared in a photo caption on Monday's front page. The photo accompanied a story about similarities in the two Boeing 737 Max 8s that have crashed in the past five months. The caption read, "A woman lays on the coffin of a loved one ..."

"Using 'lay' instead of 'lie.' ... Surely the front page, at least, should be correct?!!" emailed Yvon Dacayana of Escondido.

Indeed, it should have been correct — "A woman lies on the coffin of a loved one ..."

## U-T's journalism scholars program

For the past seven summers, the U-T newsroom has played host to high school students who have been accepted into a summer journalism program. This year will be the program's eighth, and the U-T is accepting applications.

The U-T Community Journalism Scholars program begins June 17 at the U-T's downtown San Diego offices.

Students must be at least 16 by May 1, 2019, be enrolled in a county high school, and have a legal right to work in the U.S. Not only will students be paid, they will have a chance for a \$5,000 scholarship provided by the U-T.

The deadline to apply is April 10. Applications are available at [sandiegouniontribune.com/journalismscholars](http://sandiegouniontribune.com/journalismscholars). For more information, contact op-ed editor Blanca Gonzalez at (619) 293-1241.

## FROM THE ARCHIVES

## GRISSOM, YOUNG GO IN ORBIT

In March 1965, astronauts Gus Grissom and John Young orbited the Earth three times in the first manned Gemini mission. In space, Grissom fired thruster rockets to test the craft's maneuverability. It was the first time a spacecraft had been piloted by its own crew.

*From The San Diego Union, Wednesday, March 24, 1965:*

## GEMINI MANEUVERS OPEN NEW ERA

## ASTRONAUTS SAFE ON CARRIER AFTER 3-ORBIT SUCCESS

BY ROBERT ZIMMERMAN, THE SAN DIEGO UNION'S MILITARY WRITER

CAPE KENNEDY — Astronauts Virgil I. (Gus) Grissom and John Young flew the world's first maneuverable space craft on a successful three-orbit mission yesterday, but had to hitch a ride in a helicopter for the last few miles of the trip.

Grissom, as the command pilot, put the two-seat Gemini spacecraft through a series of flight maneuvers that brought in a new era in space flight.

The only flaw in an otherwise perfect flight came when the spacecraft—nicknamed "Molly Brown"—splashed down in the Atlantic ocean four hours and 54 minutes after a Titan 2 booster lifted it into orbit from Cape Kennedy.

The spacecraft came down nearly 50 miles from where it was supposed to.

Grissom and Young made a quick change in their plans, which called for them to stay inside their capsule until it was hoisted to the deck of the carrier Intrepid.

Rather than wait about two hours for the Intrepid to arrive, they got out of their space suits, opened the hatches of the capsule and caught a ride in a Navy helicopter.

## IN UNDERWEAR

The astronauts — who had just made history — exited from the spacecraft in their long underwear. They were hoisted in a sling aboard an SH-3A Sea King helicopter and flown to the carrier.

The Intrepid carried out the final step of the Gemini mission, steaming toward the empty, but still floating spacecraft and retrieving it from the sea.

Doctors on board the aircraft carrier said both pilots "appeared to be in excellent condition."

President Johnson immediately telephoned his congratulations, and Grissom told the President: "It was a thrilling and wonderful flight."

## 'OH BOY,' YOUNG CRIES

"Oh boy," Young said to the President by radiophone from the carrier. "The only thing wrong with it was it didn't last long enough."

"We'll try to work that out in the days ahead," Mr. Johnson said.

Grissom, 39, and Young, 34, will remain



on the Intrepid until tomorrow for medical examinations, debriefings on details of the flight and rest.

The astronauts are scheduled to be flown off the carrier tomorrow to return to the space center here, where they started their flight. They will appear at a press conference at Cocoa Beach, Fla., at 7 p.m. tomorrow and will go to Washington Friday for a ceremony at the White House.

Only twice during the tense hours a Cape Kennedy yesterday did doubts arise that something might be going wrong in the maiden flight of the Gemini spacecraft.

Fears of a possible postponement of the flight came when the pre-launching countdown was halted 35 minutes before the scheduled lift-off. Instruments in the launching control center showed that a leak had developed in a valve in the Titan booster. A member of the launching crew fixed the leak with one twist of a wrench, and the countdown resumed.

The other uncertain moments came when the Gemini spacecraft — drifting down by parachute after re-entry from space — hit the water out of sight of any ships and planes in the recovery area.

Voice communication was lost for a time between the spacecraft and the Intrepid.

There was a long wait — it seemed too long — before word came to Cape Kennedy that the bell-shaped spacecraft had been sighted by a search plane and that Navy frogmen had placed a floating collar around it.

At a press briefing after completion of the mission, spokesmen for the National Aeronautics and Space Administration were obviously elated. They pronounced it a "very clean flight" and "a job well done."

## STUDIES NEEDED

Christopher Kraft Jr., director of the mission, said it would require some studies of recorded information and further reports from Grissom to determine exactly why the re-entry and landing maneuver brought the spacecraft down so far from its target area. He also said there was no immediate explanation for why the spacecraft's attitude tended to drift toward the left during the flight. He pointed out, however, that Grissom had no difficulty in keeping the drift corrected.

The powerful engines of the booster — a modified Titan missile — ignited at 9:24 a.m. (EST) and sent rolling puffs of reddish smoke out the exhaust vent of launch pad No. 19.

## INTO ORBIT

The Titan rose in what rocket-watchers here described as a "just beautiful" launching. Roaring like a fast freight and spitting a rosy-tinged tongue of bright flame from its tail, it pushed into the blue sky.

"Yeah man!" Grissom was heard to say as the rocket accelerated.

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