

MEDIATE THIS!

THE LEANING FENCE AND THE NEIGHBOR STANDOFF

BY STEVEN P. DINKIN

Dear Mediator:

Our next-door neighbor's wooden fence is, like the rest of her property, an eyesore. Her father built it decades ago, and it separates our two lots. She has lived in her home for all of her 85 years. We bought our place four years ago and have spent a small fortune on renovations and landscaping. Because the fence is falling over, can we force her to replace it? And would we have any say in the height and the look of the new fence?

Cringing in Pacific Beach

Dear Cringing:

In his luminous poem "Mending Wall," Robert Frost tells the story of two landowners who team up to repair the partition between their fields. The narrator is irked by the project — he opens the poem with "Something there is that doesn't love a wall" — but he cooperates to keep the peace. Frost's ode to neighborliness offers a lesson in resolving your fence dilemma. Given the difficulty of assigning

legal responsibility for paying the costs and making the design decisions, mediation can help you move things forward by crafting an amicable agreement.

In 2014, the state Legislature updated California Civil Code 841, a law dating back to 1872 that governs rights and obligations for keeping up shared fences. The new statute begins with a sensible premise: "Adjoining landowners shall share equally in the responsibility for maintaining the boundaries and monuments between them [and] are presumed to share an equal benefit from any fence dividing their properties."

Then the devil surfaces in the details of assessing reasonable vs. excessive costs, establishing undue financial hardship, and laying out aesthetic and architectural preferences.

All these factors converge in your situation, and there is no formula for making clear determinations. You could get tangled up in a cat's cradle of claims and counter-claims. Or you could open up a friendly dialogue with your neighbor about a solution that works



This week's problem discusses with a fence that separates two properties but has fallen into disrepair. This photo does not depict the actual fence in dispute.

for you both.

Start with the mediation staple of a peace offering. The extensive work you've done on your property may have kicked up noise and dust that spread to her house. Bring her a bouquet of flowers. Tell her you hope your renovations weren't disrupting, and invite her over to see the results. It's safe to assume that nobody has ready cash to sink into a new fence. Your home im-

provement budget is tapped out, and she may be living on a fixed income. Ease into this project by asking several fence companies to come out for an inspection and a free estimate. Professionals will walk you both through Fence Construction 101, including whether you need to establish the location of the property line. You probably won't, unless your neighbor flatly refuses to replace the dilapidated

fence. In that scenario, you would be free to build your own fence on your side of the line.

But if you two are willing to sit down and review estimates together, you can develop a collaborative relationship. It's OK if you don't agree on every aspect of the project. You just need to communicate respectfully.

At some point, this will become a "pay to play"

transaction. It sounds like you care a lot more about the fence than your neighbor does, so you likely will have to pick up the tab in exchange for choosing the design and materials.

That will be expensive. But looking out at a hideous fence that irritates you to no end is having a cumulative psychic cost. This is more about your personal well-being than your property aesthetics.

"Mending Wall" ends with the famous line "Good fences make good neighbors." Let's hope you can demonstrate that good neighbors united by a common purpose can make good fences.

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?** Please share your story with The Mediator via email at mediatethis@ncrconline.com or as an online submission by visiting www.ncrconline.com/MediateThis. All submissions will be kept anonymous. If you have questions, please email me at lora.cicalo@sduiontribune.com

NOTEBOOKS

From Union-Tribune reporting staff

OUTDOORS: ERNIE COWAN

Beware of black bears while camping

Yes, I know that black bears generally don't attack people.

But it was a beautiful spring morning on Vancouver Island, and my wife and I were pushing through a thicket of wild berries when we came face to face with a large, black furry creature that looked about the size of an average house.

Well, maybe a small house, but the absence of blood flowing to the brain does distort things somewhat.

Kati snapped one photo, and we decided it was best to stroll quietly away at an exaggerated strolling speed. It's important to at least look cool and not appear to be in an external state of panic. Never mind the internal screams and hyperventilation.

Just a few months later, we were enjoying a July Fourth picnic on the shores of Lake George in Mammoth Lakes. It was a beautiful Sierra day with warm, gentle breezes, sparkling water glistening in the midday sun, float tube fishermen bobbing about and trout fishermen lining the shoreline.

Everyone was relaxed, and even the squirrels were moving slowly about.

Suddenly, I noticed a wave of people moving back from the shoreline. Approaching from the far end of the lake was a cinnamon-colored mama bear with two little cubs close behind. It was feeding time, and she knew fishermen have fish.

Methodically, she walked the shore line, pulling fresh trout from each stringer and sharing it with the cubs. At one point she spotted a picnic basket and cooler on one of the lakeside tables. She sent the cubs up a nearby tree, and enjoyed the picnic lunch, including a large tub of butter she scooped out with one swipe of her big tongue.

I'm very careful about removing food from my truck, but I came out one morning to find the shell hatch window open. There were dusty bear paw marks on the glass, but apparently, he opened the latches instead of tearing the hatch off.

He had climbed into the bed of my truck, found a backpack, unzipped it, and removed an old energy bar without doing any damage, I was lucky.

Other than my Vancouver surprise meeting in the berry patch, I have never felt threatened by a black bear encounter. But as summer approaches and families head out to bear country, there are a few things the California Department of Fish and Wildlife



KATI COWAN

A large black bear in a berry patch on Vancouver Island.

would like you to know.

While California black bears are generally not harmful to people, they can make your camping experience miserable by tearing up tents, stealing food, breaking into cars and frightening people of all ages.

From the description above, you might recognize that food is a common denominator.

Bears eat just about anything from berries to pet food, human trash and road kill. They also have a highly specialized sense of smell, which allows them to zero in on your food.

In bear country, campers are urged to store food, including pet food and toiletries in bear-proof containers or in airtight containers in the locked trunk of your car. In some areas, however, bears have caught on to this and know how to get into trucks, so check with camp hosts or park rangers.

Don't cook or keep toiletries in your tent, and remove all food waste and wash dishes immediately after meals. Clean grills after each use and before bed; change out of clothing you were wearing when cooking. Finally, haul garbage from camp regularly to safe garbage storage areas.

Don't clean fish in camp, and never leave pets unattended.

When hiking in wild areas, remember that bears react defensively. Make noise and try not to surprise a bear by traveling in groups.

Being observant for scat, tracks and stripped bark from trees will alert you to bears in the area, and if you do encounter one, just give it a chance to avoid you.

Contact Ernie at Packtrain.com

THE READERS' REPRESENTATIVE: ADRIAN VORE

Caregiving receives special coverage

Readers will see a special section in today's paper on caregiving. It's a subject that affects so many in the county — aging parents who are living longer and their children, who are approaching senior status themselves. Caregiving can be exhausting, complex and frustrating.

While the section offers help on caregiving, it also teases two more offerings from the U-T: the caregiverSD.com website and the CaregiverSD Community Expo that happens Saturday. It is scheduled to run from 9 a.m. to 3 p.m. at the Venues area at Liberty Station. The event will feature two dozen speakers, experts and advocates in caregiving. There will also be vendors and resource booths.

"U-T Publisher and Editor Jeff Light believes caregiving is one of the great challenges in our community right now," said editor Juliet Hendrix, "and he considers our effort to make that job easier to be an important part of our public service mission."

Hendrix and reporter Michele Parente have led the effort to build the caregiverSD.com website. The site is dedicated to family caregivers, to assist them in finding the help they need, Hendrix said.

It includes sections on caregiving essentials, dementia care, housing and finance, and videos from the Southern Caregiver Resource Center. There's also news stories, a chatroom and a caregiver calendar of events.

Groups providing content include Alzheimer's San Diego, Sharp Hospital Senior Resource Center, AARP and the San Diego Elder Law Center.

Hendrix said caregiverSD.com will be updated regularly with stories, columns, videos and event listings.

The issue literally hits home for Parente. She cared for mother, who had dementia, and for her dad, who had Parkinson's disease.

"Unlike any other topic I've ever covered before, I gained deep insight into the toll that family caregiving can take, physically, emotionally and financially," she said. "That is one tough, all-consuming role to take on. I got first-hand knowledge of the challenges that await both the caregiver and the aging parent, and I sought to explore them on caregiverSD.com."

"Your family dynamics — parent/child and sibling to sibling — will change and often be tested to the core. What I only realize now, after all my reporting for this initiative and an earlier series on family caregivers, is how important getting help is and how many re-

sources are available, including free and low-cost services.

"We want caregivers to know they are not alone in this."

Community Almanac is back

The Community Almanac returns for 2018. The popular special publication will be included in next Sunday's paper.

The glossy publication profiles county communities and neighborhoods using demographic data, maps, and text on an area's history.

While the U-T received a lot of positive feedback last year on the publication, it also took some heat. Some readers asked, "Where was my neighborhood?"

"Disappointed"; "very, very sad"; "offensive" were some of the comments from folks whose communities were not included.

The county has 300 communities and neighborhoods. Not all can be profiled. However, this year's almanac will feature 100 areas, 25 more than last year. Among the glaring omissions in 2017 were Bonita and several south San Diego neighborhoods. Bonita is there this year. Additions also include Encanto, Mountain View and Mount Helix.

Nevertheless, I'm sure some readers will be upset if they don't see their neighborhood.

The almanac's production involved the entire newsroom — from graphic artists, reporters, editors, photographers to page designers. Freelancers were brought in as well.

The heavy lifting of crunching data to profile a community's demographics was done by data and graphics reporter Michelle Gilchrist and data specialist and reporter Lauryn Schroeder.

The demographic data came from 14 tables of the U.S. Census, and from numbers on home prices, education and election results, Gilchrist explained.

"We downloaded data on multiple topics and calculated demographic data for each community, city and census designated places listed in the almanac," she said.

Voters guide publishes Monday and Tuesday

The Readers' Rep received a phone call and an email last week about when the full list of U-T Editorial Board endorsements for Tuesday's primary election will run in print. The list will run Monday and Tuesday.

All the Editorial Board's endorsements also can be found online at sdut.us/2018primary.

FROM THE ARCHIVES | LOOKING BACK OVER 150 YEARS

SURVEYOR SPACECRAFT SENDS PHOTOS

The San Diego Union-Tribune will mark its 150th anniversary in 2018 by presenting a significant front page from the archives each day throughout the year.

Friday, June 3, 1966

In 1966, the unmanned U.S. space probe Surveyor 1 made a soft landing on the moon and began transmitting photos of the lunar surface. The tripod-shaped Surveyor had rocketed aloft from Cape Kennedy, Florida, atop a San Diego Convair-built Atlas Centaur.

Here are the first few paragraphs of the story:

WORLD IS MOONSTRUCK! SURVEYOR FEAT HAILED

Craft Steadily Sending Photos Back To Earth

By Cliff Smith, San Diego Union Staff Writer
PASADENA — Surveyor 1 sent a new series of moon photos to jubilant U.S. scientists here last night as awed world leaders hailed the mission as an epic achievement dwarfing the Soviet Luna 9 venture.

The spacecraft continued to function perfectly in the blistering lunar environment nearly a full day after its flawless soft landing late Wednesday night.

The Jet Propulsion Laboratory mission control center here commanded the craft to resume transmitting pictures last night after a temporary 16-hour shutdown. Surveyor responded by methodically training its remote television camera on new closeup

views of its crater-pitted and rock-strewn, but relatively flat, domain.

ACTIVITY TO CONTINUE

Project officers predicted Surveyor 1 would continue to function effectively through the long lunar day ending June 16 and possibly through the first 24-30 hours of the next frigid moon night. The craft's swiveling camera is scheduled to transmit up to 700 pictures a day back to earth, including color photos.

A total of 144 pictures taken in the first series immediately following the landing showed the moon's surface to be covered with at least a few inches of soft, soil-like ma-



SCIENTISTS JUBILANT

Garbarini and five other tired NASA and JPL officers commented on the mission at a 5 a.m. news conference here after the Surveyor was deactivated to save its batteries at 4:20 a.m.

Earlier they joined in joyous rounds of cheers, handshaking and backslapping as the Surveyor had performed its mission almost to the letter of the script.

And at the conference they frequently dropped characteristic scientific caution, slipping into descriptive superlatives such as "everything worked perfectly," "extremely excellent," "very fine flight" and "I don't expect to see anything like this again in my lifetime."

Even Rep. Joseph Karth, D-Minn., chairman of the House subcommittee on space who once said the Surveyor program was poorly managed, was present to publicly congratulate the flight team.

When project scientist Dr. Leonard Jaffe hesitated to describe the Surveyor pictures as superior to Soviet moon pictures taken in February, project manager Robert Parks interrupted to point out that:

1. The Russians failed to get pictures of the moon module structures or lunar surface disturbances made by the structures.

GET VALUABLE DATA

2. The U.S. camera takes both wide angle and magnified photos.

3. The Soviet pictures "numbered 10 to 20 at most" while the United States stands to receive hundreds of sharp pictures.

ONLINE: View this and other anniversary front pages online at sandiegouniontribune.com/150-years.