

# BIRD PARK | ANATOMY OF A DECISION

By Jacqueline Bies

*The Bird Park Controversy. Share Bird Park. Save Bird Park. Where is Bird Park? For two years those words have jumped out of the newspaper over morning coffee, dotted lawns around the municipality, interrupted business lunches and changed cocktail parties into battlegrounds. The subject of locating an athletic field in Bird Park has polarized some citizens, left others sitting on the fence and continues to provoke spirited, often emotional debate. Nearly everyone offers an opinion on the subject, whether he cares about the final outcome or not. The controversy, which most of us first viewed from our own front porches, has forced us to grow with it as it has evolved into an issue that raises fundamental*

*questions about the way Mt. Lebanon governs itself. After 24 months of thrashing the details of the issue, maybe it is possible now to take a broader view, to evaluate what Bird Park means to all of the people of this community, to literally step back from the trees and see the forest. The following pages include two unedited position statements along with insightful comments concerning the decision making process that affects us all. Critical to understanding both sides of the issue is the ability to visualize the proposed site for the field and the several alternate sites. We suggest you familiarize yourself with the diagrams on p. 26-27 before beginning the story.*

Mt. Lebanon will resume construction of the controversial athletic field in Bird Park as soon as feasible this spring.

By placing the field in the 1985 budget, the Mt. Lebanon Commission reaffirmed its May, 1983 decision to build the new field in Bird Park. Opposition to the Bird Park location and efforts to place the question before the voters led to two lengthy lawsuits, which reached the level of the Pennsylvania Supreme Court and halted work on the field through a number of injunctions.

The first, in which 39 park neighbors sued to stop construction of the field in the park, was decided in favor of Mt. Lebanon. In the second, Mt. Lebanon was ordered to release official petition blanks for an initiative (See box).

*...A complex argument over the placement of a playing field within Bird Park evolved from objections by a small group of property owners whose back yards abutted the park into a debate involving the community. Below, Mary Larsen, commission president and representative of the second ward which includes Bird Park, listens.*



**Room to coexist:** The proposed field is to consume five acres, including access and parking, in a previously little-used and overgrown upper area of the 42-acre park. A lengthy search has yielded no feasible alternate site. Each alternate examined has shown disqualifying drawbacks related to cost, engineering, use conflicts, or a combination of these (see pages 26-28).

PHOTO BY NORMAN SCHUMM, COURTESY OF BIRD PARK PHOTOGRAPHY CONTEST



## Pro: Prepared by the Citizens to Share Bird Park

### 1. We need a field!

The Friends of Bird Park in one of their pamphlets stated "We strongly support the desirability of another well maintained field dedicated to soccer." We agree. In conjunction with other sports organizations an in-depth study was presented to the Commissioners. Each fall over 1,300 boys and girls play soccer in Mt. Lebanon. While younger children can play on small playgrounds, older youth players need regulation fields. The township has no regulation field dedicated to soccer and only four shared with other sports. Some teams play many of their games in other towns.

### 2. Bird Park is the right place:

Both proponents and opponents have spent two years searching for alternatives without success. Sites proposed either rob other sports of playing space (Jefferson Field) or have severe engineering problems which make them impractical or excessively expensive (Robb Hollow, Cedar Boulevard maintenance site, golf course).

### 3. A field will harmonize with other uses of Bird Park:

The site now cleared and ready for completion was a neglected densely overgrown area of the Park. It is well away from the Memorial, scout fire circle and children's play area. A nature conservancy for the Park is a fine idea and is not at all incompatible with the field. The Soccer Association intends to launch a fund for flowering trees and shrubs to attract birds and butterflies. The open space created by the field will make the upper part of the park a pleasanter place for joggers, walkers and nature lovers as well as boys and girls who want to throw a frisbee or kick a ball on green space.

### 4. We don't need a referendum:

Were all town budget decisions to be subject to hostage by injunctions and referendums, town government would become almost impossible. Three law courts have upheld the legality of the Commissioners' original decision which was made after a well-attended hearing.

We urge the Commissioners to finish the field and set up the Nature Conservancy so that we can work together to heal the divisions in our community and promote the well-being of two of its most valuable assets, children and the natural environment.

## From both sides:

*"I think we should be smart enough to meet the needs of children who want to play soccer in another way. I firmly believe you can have both and should have both."*

— Carl Fittkau,  
Jefferson Drive  
Management Consultant  
Friend of Bird Park

*"We have no space, and I'm not sure after this field is built, there will be any space for pickup games or unscheduled practice."*

— James Cain,  
Municipal Manager

*"Frivolousness characterizes the baseless litigation against Mt. Lebanon, with tactics designed to allow a few plaintiffs to thwart the legitimate actions of the commissioners acting on behalf of all the citizens."*

— John Fernsler,  
N. Meadowcroft Avenue  
Attorney  
Citizens to Share Bird Park

*"The only way to resolve the hard feelings would be to replace the commission and the manager and put in someone entirely different who would at least give a facade of trying to get a consensus of what the community favors."*

— John Oylar,  
Youngwood Road  
Civil Engineer  
Friend of Bird Park

*"I think everyone on either side would like to see this issue resolved, and the initiative is one way to do it clearly and finally one way or the other."*

— John Erskine,  
Audubon Avenue  
Financial Planner  
Friend of Bird Park

*"The elected governing body should be called upon to make these kinds of decisions. They have done a study and have a broader perspective of the present and the future of the community. If they go contrary to broad public opinion, they will not be elected!"*

— Christine Altenberger,  
Associate Professor,  
Graduate School of Public  
and International Affairs,  
University of Pittsburgh;  
former Penn Hills  
councilwoman

## Con: Prepared by the Friends of Bird Park

**The concern of the Friends of Bird Park is for protection of a valuable community resource, an endangered, green, living oasis in the midst of this highly urbanized community.**

We believe that Mt. Lebanon can provide for the development of the minds and spirits of its residents as well as their bodies. The community has the resources and intelligence to do both provided that it is guided by responsible and creative leadership.

**Environmentalists, botanists, geologists, hikers, birders have all expressed their dismay** about the failure of our officials to understand that a soccer field cannot coexist with a nature preserve. Sure, in the mature part of the park, some trees will survive... some birds will visit... some woodland flowers will bloom... but most of the animals and birds which breed, nest, and migrate thru Bird Park will be driven away. The people who love Bird Park and seek refuge in its solitude will be denied that pleasure.

**Others, ranging from environmental authorities to the news media, understand this vital need very well.**

Dr. Fred Gottlieb, associate professor of biological sciences at the University of Pittsburgh, says: "Despite its small size, Bird Park displays surprising diversity and complexity. A soccer facility endangers the entire park. The field will cause many animals and birds to leave the area. What a bulldozer can destroy in hours takes nature years to restore."

Dave Freeland, President of the Audubon Society of Western Pennsylvania, says: "Bird Park attracts more than 125 local and migratory bird species. It is an irreplaceable resource enhancing the quality of life and attractiveness of the entire community."

A Western Pennsylvania Conservancy consultant, after long study, concludes: "Any shrinkage of the Park's natural environment causes 'community decay', a condition in which plant and animal species abandon the site."

The Pittsburgh Press declared: "The strong feelings against clearing out even a part of Bird Park should persuade the commissioners to shift soccer and to save the trees." A KDKA Radio editorial concurred.

**This evidence proves that the logical action is to preserve Bird Park** and meet the soccer needs in another fashion. We can do both.

**But if the commissioners insist on a foolish "either-or" choice** — as reckless and ill-advised as such a course may be — the only solution is to let the citizens vote to decide — as quickly as possible.

Petitions circulated through the community last month propose an ordinance that would designate Bird Park as a woodland reserve. When, in his capacity as Municipal Secretary, Municipal Manager James Cain released the blanks in January, he made clear that the Commission would reject them when received, on the basis of the municipality's previously stated objections that the subject matter is not permitted for an initiative under Mt. Lebanon's Home Rule Charter.

Petitioners consider a court challenge of such a rejection to be likely. They have 90 days — until April 19 — to obtain signatures of 15 per cent, or 3,463, of the community's registered voters.

At press time, the parties are awaiting a decision from the Commonwealth Court on whether a stay on construction, granted in the second lawsuit, remains in effect. This decision can be appealed to the Supreme Court.

### Two years

After two years of debate, both supporters and opponents of the field look forward to a resolution of the controversy. Most opponents accept the need for an additional field, but object to locating it in Bird Park because they believe it could destroy a unique natural area. Proponents maintain that an athletic field is green space, too, and believe that both the field and a natural area can coexist successfully in Bird Park.

Mt. Lebanon Magazine had planned to explore issues surrounding the controversy in its September, 1983, issue. Because the matter became involved in litigation, the article was delayed. Now the two original lawsuits have been resolved, the issues have been clarified, alternatives have been lengthily explored and debated, and an overall look at the subject seems possible.

### History

At the heart of the discussion is 42-acre Bird Park, which was purchased by Mt. Lebanon in five parcels between 1962 and 1968 at a total cost of \$475,000. In 1966, the park was named for Thomas A. Bird, Jr., the first community resident to lose his life in the Vietnam conflict, in order to honor all Mt. Lebanon residents who served in Vietnam.

Robert Finley, township manager at the time the park land was purchased, recalled that the 24.5-acre McGillick

### Defining terms:

**"Initiative" and "Referendum" are commonly — and mistakenly — used interchangeably.** Though related in concept, "initiative" refers to new subject matter for legislation, while "referendum" applies to previously adopted legislative actions.

McQuillin, in "Municipal Corporations", defines "Initiative" as the "initiation of municipal legislation and enactment or rejection thereof by the municipal electorate in the event the proposed measure is not enacted by elected representatives." On the other hand, "Referendum" is defined as "the right of people to have an act passed by the legislative body submitted for their approval or rejection."

The Mt. Lebanon Home Rule Charter uses the terms "Initiative" and "Referendum" in a manner consistent with the definitions set forth above, thus recognizing the distinction between the two procedures. **The first paragraph of Section 1201 of the Home Rule Charter provides for initiative**, in stating that qualified voters of the municipality "shall have power to propose ordinances to the Commission and, if the Commission fails to adopt an ordinance so proposed without change in substance, to adopt or reject it (at an election). . . ." **The second paragraph of Section 1201 provides for referendum**, in stating that qualified voters of the municipality "shall have the power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it (at an election). . . ."

property, location of the proposed athletic field, was acquired in 1967 with "no immediate plans for use or development, but more as a land bank." Farmed at one time, the property was "an uncared-for thicket" when it was acquired, he said. The Winter Sports Recreation Committee suggested in 1968 that it be developed as a community winter recreation area, and later the property was considered as a site for the ice rink now located in the Main Park.

"There never was any commitment that it was to be used for open space or a natural park," the Hazel Drive resident said. "It was land-banked for future use." A picnic shelter and fire circle were built in the lower end of the park, but the rest remained undeveloped.

A previous planning study in the late 1940's, Finley recalled, had suggested acquisition of land south of the Main Park along Cedar Boulevard to what is now the lower end of Bird Park. At that time Mayfair Drive had not been extended to Cedar.

During the early 1980's, Mt. Lebanon received a number of requests from various athletic associations for additional fields. No money is available, they were told.

The municipality has three fields in the Main Park — Wildcat, Middle and Official — and one in Brafferton Park. However, Wildcat Field and Middle Field, at the far end of Wildcat, can be used at the same time only when the teams are made up of young players. Older teams use Wildcat Field alone. In addition, the School District has 15 baseball infields, including one on the high school practice football field. It has football fields at the high school, Jefferson and Mellon. Of the elementary schools, only Markham and Foster have fields big enough for soccer. In addition to the School District and the municipality themselves, a number of athletic organizations compete for field space. Among the largest are the baseball, softball, soccer and football associations. Field use during the busy spring and summer season is coordinated at a meeting of organization representatives and local officials in early spring.

In early 1983, it became apparent that the municipality would have a surplus of funds, money that could be applied to several deferred capital projects. At the same time, a letter from the 1200-member Mt. Lebanon Soccer Association detailed the need for more field space and asked that a soccer field be built on municipal property. The Commission asked Cain to look at the feasibility of constructing an athletic field.

Cain, on the basis of several earlier evaluations of possible field sites, proposed Bird Park as the best location, and said that a field could be built there by a private contractor at an estimated cost of \$220,000, later reduced to \$169,000. Further scaling down of the plans and taking into account help offered by Soccer Association volunteers and use of municipal labor, reduced the estimate to \$95,000. (The Soccer Association has agreed formally to clear and grub the site and to construct the parking lot.)

In April, Second Ward Commissioner Mary Larsen notified constituents on Youngwood Road about the possibility of a field in the neighboring section of Bird Park. "This was the municipality's regular method of handling any land use proposal," said Greg Drahuschak, commission president at the time. "The people most closely affected were notified several weeks in advance of the hearing; meetings were held with them, and their letters and comments were received prior to the hearing."

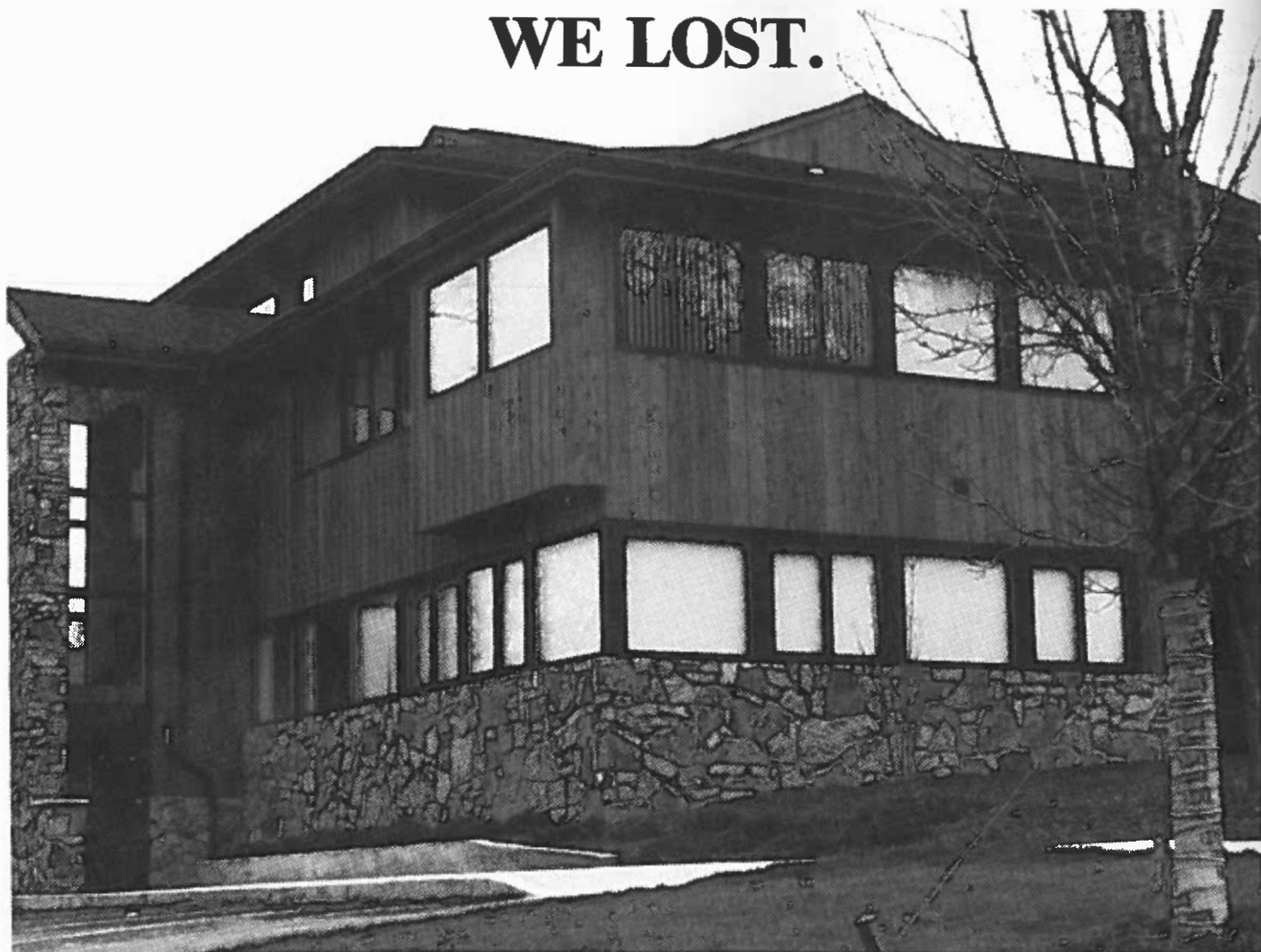
### Hearing to appropriate funds

The Commission held a public hearing on May 9, 1983, to discuss possible uses of surplus funds for a group of deferred capital items, including street reconstruction, sidewalk repairs, improvements to the municipal building, and the athletic field. (A notice in the

*Continued on page 23.*

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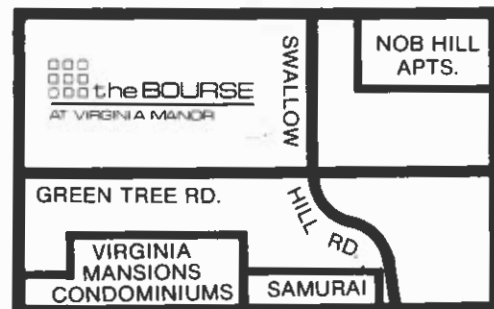
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## BIRD PARK Continued from page 22.

newspaper announced the meeting, but did not mention any of the specific proposals.) After the hearing, at which residents spoke both for and against the field, the Commission unanimously voted to appropriate \$841,328 in surplus funds, of which \$95,000 was earmarked for construction of the field. An amendment by Mrs. Larsen to vote on Bird Park separately did not pass.

During May and June, commissioners and municipal staff members met with Youngwood and Mayfair residents to discuss their concerns about the field. Among the concerns were the visual impact of the field, noise, access, possible car and pedestrian trespassing on Youngwood, a private street, and possible future development in the park. (Later, objections would focus more broadly on preserving greenspace.) On June 9, John Oyler of Youngwood Road presented a study of alternate sites for a soccer field on publicly owned property. Municipal officials judged the sites to be too costly or not feasible for other

*Items concerning the budget or capital program, or any ordinance relating to the appropriation of money are inappropriate subjects for either initiative or referendum, according to the voter-approved Home Rule Charter. (See bc x.)*

reasons. The municipality's analysis was later translated into a visual display exhibited at the Municipal Building and Recreation Center, and reproduced on these pages.

Municipal officials continued to meet with the Youngwood Road people. Toward the end of June the municipality reduced the width of the proposed field by 10 yards, removing it a little further from the most closely affected property owners.

### Park neighbors sue

On June 29, 1983, 39 park neighbors filed a lawsuit in the Court of Common Pleas of Allegheny County against Mt. Lebanon to prevent construction of the field in Bird Park. The plaintiffs cited ten counts in the suit, the chief one being that Mt. Lebanon could not construct an athletic field on land purchased with funds acquired from the state through the Project 70 Land Acquisition and Borrowing Act of 1964. Other counts related to alleged procedural irregularities in adoption of the ordinance appropriating funds for the field.

On February 28, 1984, Judge Emij Narick dismissed the plaintiffs' case, ruling that the proposed athletic field would be a recreational use of land permitted by Project 70. The other counts were dismissed as without merit. The decision was appealed to Commonwealth Court and again decided in favor of Mt. Lebanon on June 12, 1984. The Supreme Court refused to hear the case on September 25, 1984.

Meanwhile, opponents of the field began efforts to place the issue on the ballot. Affidavits requesting petition blanks were rejected four times by Cain, as Secretary of the Municipality, for two reasons. First, the request was untimely, the municipality maintained, since what was sought was a referendum to repeal an action already taken by the Commission, and the 30-day deadline for this had passed. Second, the question was not an appropriate subject, because the community's Home Rule Charter states the power of initiative and referendum "shall not extend to the budget or capital program or any ordinance relating to appropriation of money."

In April, 1984, five petitioners filed a lawsuit in Common Pleas Court to force Mt. Lebanon to release the blanks. A

decision ordering release of the blanks was appealed to Commonwealth Court, which, on October, 1984, affirmed the earlier decision ruling that the question of appropriate subject matter should be raised after the signed forms were filed. Mt. Lebanon decided not to appeal to the Supreme Court.

### Legal costs

The two parties' combined legal costs have reached about \$100,000 in the two cases. Mt. Lebanon's defense costs total \$50,000 for both suits. Robert Humphreys of Youngwood Road, one of the plaintiffs, estimated their legal costs for the two suits also at \$50,000.

While arguments over legal questions were working their way through the court system, public debate over the proposed athletic field in Bird Park swirled throughout Mt. Lebanon. Opponents formed Friends of Bird Park; proponents formed Citizens to Share Bird Park. Several efforts to start work in the park were halted by injunctions, but by October 3, 1984, the area had been cleared and an access road prepared.

*Continued on page 25.*

## Voters chose the Home Rule Charter

- In 1974 Mt. Lebanon voters approved the Home Rule Charter, the authority by which the municipality governs itself. The charter, prepared for voter consideration by a seven-member elected Government Study Commission, expanded the means by which citizens, if interested, could have a larger measure of control than they previously had over their government, and at the same time gave officials some new tools to increase the scope of their activities for the benefit of the community.

- Prior to 1874 the Pennsylvania Constitution required that any city wishing to govern itself had to apply to the state legislature for a charter. In the 1890s the state amended the constitution and adopted a general code for first class townships (which Mt. Lebanon was prior to its designation as a home rule municipality) and other kinds of municipalities, but many municipal leaders felt unduly restricted and sought enlargement of their powers. In the mid-twentieth century the constitution was again amended and laws were passed granting cities but not other kinds of municipalities the right but not the obligation to adopt Home Rule Charters subject to certain restrictions. Home Rule became possible for Mt. Lebanon in 1972 when Act 62 extended to all municipalities the right to adopt charters without submitting them to Harrisburg for approval.

- Charters may not deal with tax liens, eminent domain, boundaries, public schools, conduct of elections, subjects of taxation, personal taxes on non-residents, property assessment and criminal punishment. Any other power may be dealt with unless the legislature, still sovereign, removes it. Home Rule exists at the will of the people subject only to the general restrictions placed on it by the people's own elected representatives.

- When Mt. Lebanon's Home Rule Charter was written, it included an entirely new section on initiative and referendum. When public feeling runs very strong on an issue, initiative and referendum permit the people to decide the issue without having to wait to elect new commissioners. However, items concerning the budget or capital program or any ordinance relating to the appropriation of money are inappropriate subjects for either initiative or referendum, according to the voter-approved Home Rule Charter.

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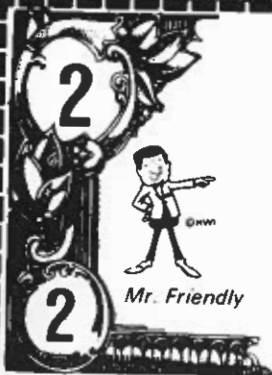
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## BIRD PARK

Continued from page 23.

"In the past, the only people who used the park were those who lived adjacent and Markham students walking through. To the best of my knowledge, it was unused by others except for beer parties, evidenced by the bottles and cans we found there when we went in to clean it out," says Joan Fernsler of Citizens to Share Bird Park. "There's no way you can tell me we were destroying prior use. Having a playing field there won't diminish its use as a natural area. By opening up the park to an athletic field, more people will be able to enjoy a community resource."

Members of Citizens to Share Bird Park volunteered to help clear the area last June, provoking a demonstration from the Friends of Bird Park which received media attention and heightened the conflict. Many questions were raised as the community wrestled with the divisive issue. Concerning the field itself, residents asked, "Is it really needed?" and if so, "Where is the best location?" On a more general level, they tackled basic questions about decision-making by local government.

*Concerning the field itself, residents asked, "Is it really needed?" and if so, "Where is the best location?"*

"There is no doubt in my mind that the field is needed," said Cain. "We have had pressure from the Recreation Department and athletic groups for years to create more playing fields. It is no longer possible to coordinate schedules, and we have to turn people away."

Bill Moore, Recreation Department program coordinator, said the scheduling crunch comes in the spring and summer. Some applicants must be refused when baseball, softball and soccer are competing for fields. Few fields large enough for soccer (330 ft. x 195 ft.) are available, and practice time is not adequate. Soccer and baseball don't mix well, because older soccer teams play year round and tear up a grass field. Further complications are in sight with interest developing in lacrosse, which uses a football-size field.

Continued next page.

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# BIRD PARK

Continued from page 25.

## "Can't grow grass underfoot."

The heavy use also hinders maintenance: "You can't grow grass under people's feet," Moore said.

Although the need for field space is increasing at a time when school enrollment is declining, the last decade has seen a phenomenal growth in the popularity of soccer and in girls' participation in organized sports, as well as increased availability of organized sports for younger children.

A study by Mt. Lebanon Citizens for the Preservation of Bird Park in early 1984 proposed that with better utilization of the existing municipal and school district fields, a new field is not needed. The study recommended that one of the large fields owned by the school district should be upgraded to soccer field dimensions. Football fields at Jefferson and Mellon and the Markham playground were suggested as possible candidates.

Making one field larger to the detriment of adjacent athletic facilities, such as the running track at Mellon, the tennis court area at Markham, or the baseball field at Jefferson, would be a mixed blessing and would not answer the essential need to increase the number of playing fields, according to Steve Feller, assistant municipal manager.

Dale Colby, Soccer Association treasurer, said the organization, which has grown from one team of 24 boys in 1970 to 1,200 participants, has suffered from insufficient field space by having playing and practice time reduced and by being forced to rent an adjacent community's facility as a home field. Such neighboring communities as Upper St. Clair and Peters, with similarly expanding programs, have added new fields in recent years, he noted.

"Need is a strong word — a need is something you can't do without," said Commissioner Larsen. "But I think a new field is a highly desirable thing for Mt. Lebanon. And I think Bird Park is the best available space to put a field."

## Alternates

Youngwood resident Oyler's suggestions of alternate sites for a soccer field, which he believes have not been adequately analyzed, include two sites at the golf course, two at other locations in Bird Park which he says would "minimize the impact on the natural setting of the park," and several options involving expanding or realigning fields at Jefferson School.

A June 11, 1984 study of Oyler's suggested alternate sites by municipal engineer David J. Williams concluded that "none of the sites were as suitable or economically feasible as the site chosen in Bird Park." Williams estimated costs for constructing fields at the alternate sites ranging from \$210,000 to \$630,000.

## Bird Park Sites

"From analysis of all the facts," Williams said, "these sites are not feasible, period, especially the two in Bird Park; they would totally destroy the park. Both would disturb more area than the proposed field and at much greater cost." The alternate in the lower, or west, end of the park would effectively eliminate the use of all facilities there and require removal of a number of mature trees, he said, while the alternate at the upper end, adjacent to Washington and Beadling Roads, would remove woods near the intersection and require much fill. Both would require lengthy retaining walls up to a maximum of 27 feet in height.

*Suggestions of alternate sites include two others within Bird Park, two at the golf course, one at Robb Hollow, one at the public works facility and several options at Jefferson field.*

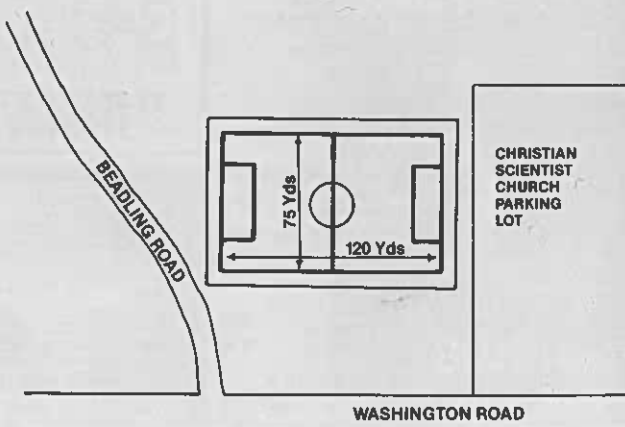
## Jefferson Site

Enlargement of the Jefferson field and its dedication to soccer only, at an estimated cost of \$32,000, Williams said, would eliminate the running track,

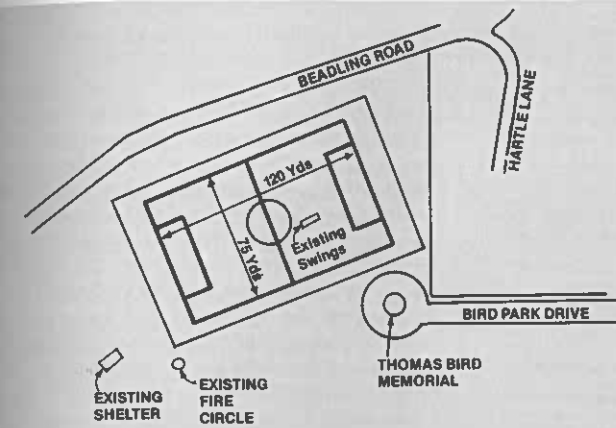
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**THE OYLER STUDY OF ALTERNATIVE SITES** was reviewed carefully by municipal engineers. Cost was determined on the basis of clearing and grubbing, topsoil removal, under drains, excavation, filling, borrow or disposal of material, on site storm sewer system, slope and field seeding, retaining walls and fences required by location, and grading. Five of the seven alternative sites would cost substantially more than the proposed location in Bird Park, estimated to cost \$95,000. All the sites posed problems. One was determined to be unworkable.

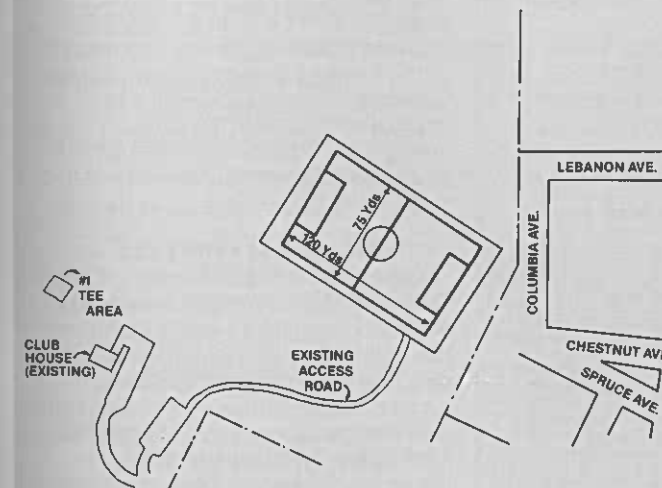
**THOUGH NOT COVERED BY THE OYLER STUDY,** Robb Hollow Park and the Public Works property at Cedar Boulevard and Lindendale Drive were also considered. The Robb Hollow site has difficult access and unstable soil conditions near Painter's Run Road. It would require large amounts of storm sewer and retaining wall construction, and grading. Estimated cost is \$250,000. The Public Works property is unsuitable because the proposed field simply would not fit the space. A smaller field would still present major problems with a slide area, a large stream to encase and obtaining necessary fill. Proximity to a major artery is undesirable and conversion to a field would take a necessary storage and disposal area from Public Works. No cost estimate was prepared.



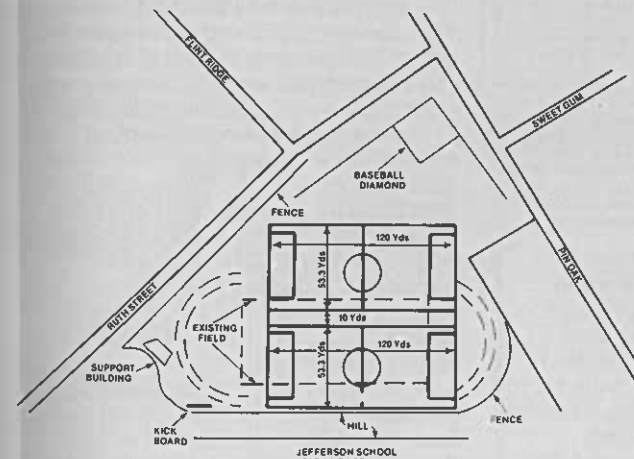
Either alternative site in Bird Park would disturb more area than the proposed field at much greater cost. Placing the field adjacent to Beadling and Washington Roads would destroy woods at the intersection and require extensive fill and retaining wall at an estimated cost of \$630,000.



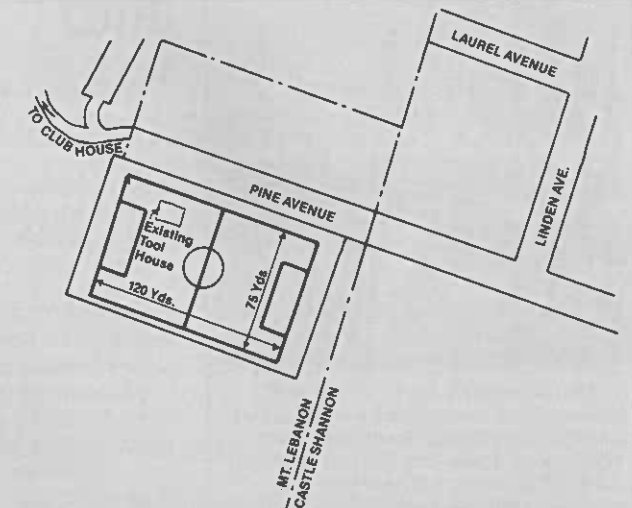
Locating the field at Bird Park's west end would destroy a portion of the park used by many people. It would eliminate the Scout fire circle and paths to the Memorial, conflict with picnicking and shelters, and lack space for parking. Estimated cost is \$344,147.



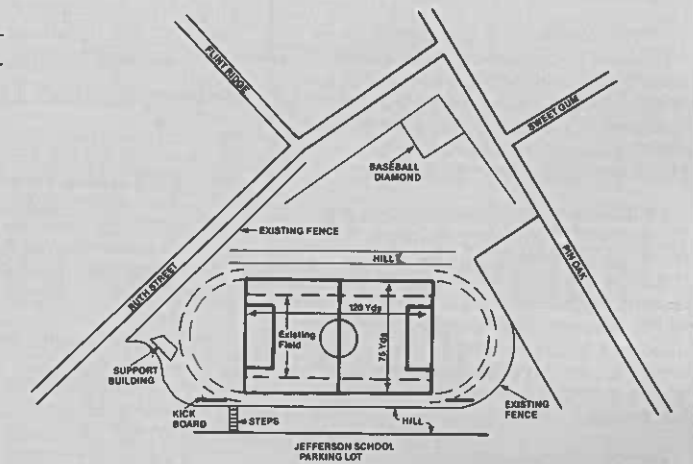
The golf course valley site poses most of the same problems as the dump. In addition, a field there would require extensive storm water detention facilities because existing Castle Shannon sewers could not handle additional runoff. Estimated cost is \$210,345.



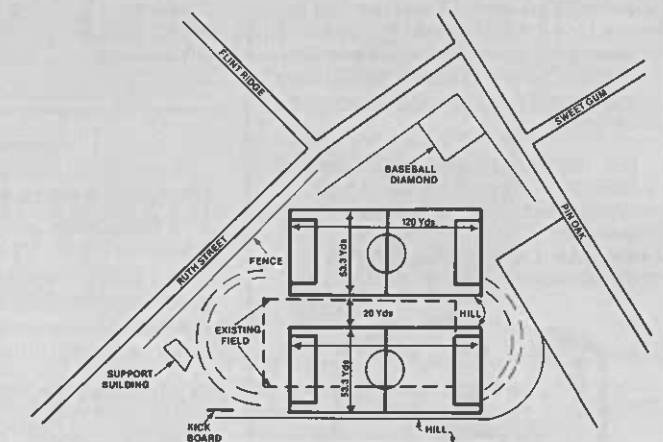
Constructing two fields on the same level at Jefferson field would modify or eliminate most existing athletic facilities and require removal and reconstruction of the water line and drainage facilities. Extensive walls and fencing to reduce conflict with adjacent areas would be necessary. The second soccer field could not be used at the same time as the baseball diamond. Estimated cost is \$246,882.



Placing the field at the golf course dump on the edge of Mt. Lebanon would make it difficult for most residents to walk to the field and would require traveling through Castle Shannon. The field would disrupt number nine fairway and stray golf balls could pose safety problems. Walls and fences needed to reduce conflict with private property and adjacent uses would escalate costs. Estimated cost is \$519,027.50.



Conversion of Jefferson field into a soccer field is the only alternative which would be cheaper (estimated \$32,900) than the proposed Bird Park location. Dedication of the field exclusively to soccer would eliminate the running track, field event facilities, football field, two softball or Little League fields and the band practice area. Since the field is already used for soccer, there would be no major gain.



Building two fields on different levels at Jefferson will not work because of the major encroachment on Ruth Street. No cost estimates were prepared.

# IT HAPPENED HERE

It really wasn't much of a fire. A woman had fallen asleep while a pot of food bubbled on her stove. Talk about well done! The pot had melted down and the apartment building was full of smoke. Fortunately, our only tasks were to remove the remains of the pot and clear the smoke.

But what puzzled us was why the smoke detector never went off? Others in the building had sounded, but not hers.

When we found it, the reason was obvious — her detector had been neatly covered with a shower cap. It seems that cooking odors would frequently trip the alarm, so she used the cap to solve the problem. Effective! But nearly fatal...

Most Mt. Lebanon residences are protected by smoke detectors. But many don't work when they should. Dead or missing batteries, improper locations and dirty sensors are some of the causes. One resident even used her broom to knock a beeping detector off the ceiling; she couldn't reach it and the sound was driving her crazy!

Recognizing the seriousness of this problem — what good is a smoke detector if it doesn't work? — the Mt. Lebanon Fire Department introduces the "DETECTOR CHECKERS".

Upon your request, one of our men will come to your home and check your smoke detector. He will check your location and will test the unit to make sure it is operable. If a new battery is needed and you have one available, he will install it. He will also answer any fire safety questions you may have.

The "DETECTOR CHECKER" service is FREE and arrangements can be made for either a day or evening inspection. Call the Mt. Lebanon Fire Department at 534-5366 for an appointment.



## BIRD PARK

Continued from page 27.

all field event facilities, two softball or Little League fields, the football field, facilities for soccer and the band practice area. And since the existing field is already used for soccer, there is no major gain in use. The alternatives proposed at Jefferson would require a great deal of renovation, and one would encroach on Ruth Street.

Jack Hall, an officer of the Mt. Lebanon Baseball Association said of the proposals involving the Jefferson fields, "If they took Wildcat or Jefferson field away from us, we would be in deep trouble. The Pony League played on one field last year (at Jefferson), and it was difficult. If they took the Jefferson field away, we would probably have to start cutting the Pony teams."

The Baseball Association supports the athletic field in Bird Park, Hall said. "It will not have a direct influence on our program, but if they took a field away from us to compensate for not having the new one, it would be a disaster for us."

### Who uses the fields?

**The heaviest users**, each with annual registrations of 500 or more, include the Mt. Lebanon Soccer Association, 1300; the Mt. Lebanon Baseball Association, 1100; the Mt. Lebanon Girls' Softball Association, 600; and the Mt. Lebanon Recreation Department, 500. These groups usually require field time more than once a week.

**Next most intensive users** are groups with memberships of about 100-200; they include the Allegheny Roadrunners Jrs., the Western Pennsylvania Women's Fast Pitch Softball League; the South Hills Softball Association League, and the American Youth Sports Association. These groups have varying time demands per week and per season.

**In addition**, some 12-15 individual teams represent employer, social and volunteer groups and reserve regular field times in spring and summer.

### Robb Hollow

A group of men representing the Soccer Association and the Friends of Bird Park have met with municipal representatives for several months to look at alternate sites. (See page 26, 27) including sites at Robb Hollow Park, the Public Works property on Cedar Boulevard, and Jefferson School. The Robb Hollow site with an estimated cost of more than \$300,000, is the Soccer Association's "second best choice after Bird Park," Cobby said. "Then the issue of money becomes most important. I don't think the Commission will spend three times what it would cost in Bird Park."

In 1983 the Baseball Association made ambitious plans to build a baseball field in Robb Hollow Park and lease it from the municipality. When costly drainage problems were discovered, Hall said, they decided "the project was too large for our association." At the time it was under consideration, residents on nearby Pinewood Drive voiced concerns about how the field would affect their surroundings.

A question has been raised, as the controversy ages, about whether citizens had sufficient time for input on the decision about the athletic field. Commissioner Carolyn Byham, who joined the Commission in early 1984 after the original decision had been made, said, "I don't think it was handled right in the very beginning. The majority of the community did not know that the Commission was voting on the field. My complaint is not with the selection, but I thought the decision was too hasty initially, and I think that is what resulted in lawsuits."

### "There must be someplace else"

Observes Commission past-president James DelSole, "We have averaged at least one meeting a week over the last two years with representatives of groups on either side of the issue. With our engineer we have spent countless hours over the proposed alternate sites, first convincing ourselves that none was viable, then trying to convince others. We interpreted the findings for people again and again as new individuals or groups became involved in the controversy. 'Isn't there any other place you can put it?' people would ask. And they would propose still other locations. The search for a new site is not new in Mt. Lebanon — it goes back at least ten years. Exhaustive engineering studies have been made, and a miracle answer is probably not forthcoming."

"I think now we have had enough opportunity to be heard, but not initially," said Humphreys. "There was concern initially about the speed with which the decision was made and the lack of input on need, costs and alternate sites. If it had gone through in a more normal time frame, I think people would have been more willing to go along with whatever decision was made."

"I think they have had opportunity to express their opinions, but I'm not sure that they feel their opinions have been listened to," said Commissioner Larsen.

### Who decides?

The struggle to reach a community decision on an athletic field has posed questions that go beyond this one issue and encourage a close look at our form of government. Joseph A. James, professor at the University of

Pittsburgh's Graduate School of Public and International Affairs (GSPIA), reflected on "one's definition of the term democracy — participatory, through referendum, or representative, through elected officials. This country was founded more on representative democracy, although the trend within the last decade has been more toward participatory."

"I personally am not a great believer in participatory democracy — that's a value judgment," said James, who was an assistant manager here in the 1950's and moved to Mt. Lebanon two years ago. "I elected a commissioner to make decisions, and I don't expect him to pass the buck to me. I can hold him responsible, and I don't have time, frankly, to make the decision."

*"People on a local governing body have to take a much broader perspective than a citizen who goes out to cast a ballot yes or no. By initiative or referendum, the vote cast is either uninformed or emotional. Very seldom does the average voter take time to become involved on all sides."*

Christine Altenberger, a GSPIA associate professor and former Penn Hills council-woman, is not an advocate of the initiative and referendum process. "It comes to a question of whether people elect officials to be representatives or delegates," she said. "People on a local governing body have to take a much broader perspective than a citizen who goes out to cast a ballot yes or no. By initiative or referendum, the vote cast is either uninformed or emotional. Very seldom does the average voter take time to become informed on all sides."

### Mixed Bag

On a controversial issue, she said, "if elected officials want to take the easy way out with a referendum, they can come out politically much safer than by casting a controversial vote."

The referendum process may be viewed as offering certain advantages, she suggests, but it can sometimes backfire: "If elected officials feel they do not have a good handle on community opinion, it is one way to perhaps get it. But a narrow but powerful interest group can mobilize people to vote, and often are able to call a referendum. Secondly, the town meeting approach is the purest form of democracy — let the people decide — but I don't think it makes sense in this day and age."

Continued next page.

## LOCAL PHOTOGRAPHERS CAN PUT MT. LEBANON ON THE MAP MARCH 20:

RESIDENTS ARE INVITED to submit up to three 35 mm black and white or color photos of Mt. Lebanon to "A Day in the Life of the United States" contest, sponsored by the US Conference of Mayors.

Photos must be taken on March 20.

ONE MT. LEBANON PHOTOGRAPHER'S WORK is guaranteed to be among the winning photos to appear in a full color, 500-page book that will appear this summer.

Entries should be submitted to Mt. Lebanon Magazine by April 15 and must include the photographer's name and address as well as the time and location of the photograph.

Watch for further information in local newspapers.

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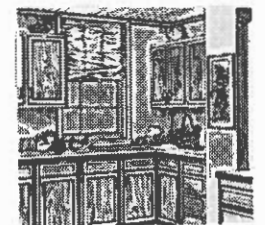
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# BIRD PARK

Continued from page 29.

If elected officials have a good handle on both sides of an issue and feel able to vote intelligently, she said, "at this stage they are prepared to vote — although they may not enjoy doing it."

Commissioner Larsen expressed a similar philosophy. "Elected officials are not smarter than the people they represent, but they do know more, because they spend more time at it. They don't normally look at things from one point of view but from many points of view, so they are better equipped to make what I would call good decisions. In a referendum, some voters can be well-informed on the pros and cons, but the majority are looking from a single point of view. The elected official's way of evaluating things has to have more balance. There is much information and discussion, so they are better informed to do the job. If people don't like it, they can vote us out."

### Irretrievable

"The day-to-day decisions will be made by the managers and the commissioners," Humphreys said. "But I think there are some issues like this that are irretrievable and will affect the whole community for a generation or two. They should be allowed to go to initiative."

John L. Erskine, one of the petitioners in the second lawsuit, concurred: "You can't take a survey on every question the Commission votes on every other Monday. But issues come along every now and then — and this is clearly one of them — where there is a great deal of interest on both sides and which require at least the appearance that they are listening to what you have to say."

Says Commissioner Ed Daly, "The interest in debating which subjects are appropriate for referendum is understandable; but our form of government is already established and the Home Rule Charter is clear about how this subject should be handled."

*Mt. Lebanon has a long history of vigorous opposition to proposed development.*

Mt. Lebanon has a long history of vigorous opposition to proposed development — on Kaufmann's, the ice rink, widening of Cochran Road, St. Winifred's, Temple Emanuel, Washington Square, to name a few. "All land development decisions made in a community are very controversial," said Mt. Lebanon native Roberta Sarraf, former Upper St. Clair planner and now an independent consultant. "Regardless of what community you are in, people generally oppose change."

"If they (elected officials) have a proper planning process, evaluate alternatives, and try to involve citizens,

and there is still opposition, there are times they have to be statesmen and make a decision," she said. "I think they (the commissioners) have been pursuing this in a responsible way. There are times when whatever they do will be unpopular, and they have to have the guts to go through with it."

"Especially in a community like ours where there are limited options, any development is going to be in someone's backyard," she concluded.

Former commissioner (1976-80) and Pitt law school associate professor Ed Symons, looks at it from a similar point of view: "We should recognize that Bird

use of Mt. Lebanon's greenspace. "We believe that a community as developed as Mt. Lebanon needs to protect every bit of greenspace we can," said vice president Catherine Anderson, a plaintiff in the second case. "We will be looking at all the park land the township now has and hopefully working hand in hand with the commissioners in looking at ways to promote its use in terms of passive recreation for all the community."

"It's time to quit focusing on conflict and to focus on how we can use this for the people," offered Conservancy president Robert L. Wells, a Mayfair Drive resident and one of the original plaintiffs.

*Chances are good that, as in the cases of Kaufmann's, Temple Emanuel, St. Winifred's, Cochran Road or the Recreation Center, the antagonists will mellow and most will grow to view Bird Park as neither the making or breaking of a strong community.*

Park is like any other complex controversy and that the obligations of elected officials are central in resolving such a controversy. Mt. Lebanon is a desirable place to live at least partly because we have elected neighbors of intelligence and integrity to make the tough, compromising types of decisions necessary to accommodate divergent opinions, and to make those decisions only after spending many hours listening to and weighing the divergent views of the community. I believe that our elected neighbors have sought a rational, compromising, and maximizing decision that largely protects the legitimate concerns of all."

### Preserve

Responding to community concerns about future development in Bird Park, the Commission passed a resolution in September stating its intent that Bird Park "remain in a form unencumbered by possible commercial or residential development." After the athletic field is completed, the Commission will designate the remaining 37 acres as a natural preserve. The form of this preserve will be determined jointly by the Commission and a citizens' committee. The Commission will hold public hearings on the committee's findings, and following final approval, will appoint a committee to monitor the park and its usage.

A potentially positive outcome of the lengthy controversy over the athletic field has been formation, by plaintiffs of the two lawsuits, of the Mt. Lebanon Nature Conservancy, incorporated last November with the aim of promoting the

"We see the Conservancy as a healing thing that will continue to grow and over time will be looked on as one of the most positive things in the community," said Mrs. Anderson.

### Time

Given time, things can grow to look very different than at the beginning. Bird Park erupted, like most battles over the use of land, when the property owners most closely affected responded. Yet the issue grew to intrude, at least on some level, on the consciousness of nearly everyone in the community. Though many citizens remain ambivalent, the period of reconciliation between those who champion the field and those who decry it may be long. History is in the favor of those who believe the opposing groups may one day find common ground in Bird Park. Chances are good that, as in the cases of Kaufmann's, Temple Emanuel, St. Winifred's, Cochran Road or the Recreation Center, the lines will blur, the antagonists will mellow and most will grow to view Bird Park as neither the making nor breaking of a strong community. Regardless of the court fight, the verdict in a larger sense, won't be in until much later, Ed Symons suggests: "Whether the decision is wise, in the long range best interest of Mt. Lebanon, cannot be determined for several years. That it is not an abusive, irrational decision is clear. In short, I believe that historically our elected officials have served well the long range interest of Mt. Lebanon, and have done so with great attention to the varied views of our community." ■

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