



THE EXPRESS-TIMES

Forks board rejects talks to end suit over project

Friday, October 05, 2007

By JD MALONE
The Express-Times

FORKS TWP. | The board of supervisors Thursday rejected a motion to suspend litigation and instead start negotiations with KMRD regarding the developer's 3,000-home Kings Mill project.

The issue split the supervisors, with David Howell and Bonnie Nicholas against David Hoff and John Ackerman.

Don Miller sat on the sideline through much of the debate in front of a crowd of 60 people. When it came time for him to vote, he leaned to the microphone before him and said, "I'm on the fence."

The crowd groaned. Hoff reminded Miller that discussion was through and a vote was needed.

"Then I have to say 'nay,'" Miller said.

The tense vote came after more than 90 minutes of public and supervisor discussion about the merits or disadvantages of negotiating with KMRD to reach a compromise to end its lawsuit with the township.

Hoff repeated numerous times that the township would not compromise but that he wanted to hear what the developer had to say.

"If it doesn't work, we move forward (with litigation)," Hoff said.

Howell asked that Hoff and Ackerman, who will not be members of the board come January, abstain from voting. Ackerman said he was offended that Howell would make that request.

"I was elected to a six-year term," Hoff said. "It's not a five-year-and-nine-month term."

According to solicitor Karl Kline, KMRD's attorney John VanLuvanee asked if the township would consider suspending litigation in order to hear settlement proposals. Kline thought the majority of the board would agree to suspend hearings on the matter. VanLuvanee then drafted a letter asking the zoning hearing board to suspend hearings while the two sides talked.

On Monday, the zoning hearing board voted 5-0 to continue with proceedings.

The zoning hearing board is just one body KMRD was asking the supervisors to suspend litigation with. There is a suit in Northampton County Court and one before the supervisors.

Howell called the developers, led by Nic Zawarski and Dennis Benner, bullies.

"They are intimidators," Howell said. "They're saying, 'I'm gonna do it to you until you say uncle.'"

Ackerman said he wanted to keep an open mind and hear what KMRD has to say. Resident Robert Kimmel asked why the township would suspend litigation when KMRD could come and discuss a settlement at any time.

Howell agreed with Kimmel and said any negotiation would squelch the momentum of the township's case.

"If they truly want to settle this, let them come to us," Howell said. "Not we to them."

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