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## Wind park developer appeals Bear Creek supervisors' decision

By Tom Venesky

**Energy Unlimited filed an appeal Friday in county court against the Bear Creek Township Board of Supervisors seeking approval for a plan to develop a 25-turbine wind park on Penobscot Mountain.**

Attorney Ernie Preate, representing Energy Unlimited, said the supervisors violated a township ordinance when they voted 2-1 to deny the plan at their May 1 meeting. Preate claimed the vote contradicted the township's ordinance and circumvented the planning commission, which granted a 60-day extension for the plans in April.

"The township ordinance mandates the supervisors have the final say only upon receiving a recommendation, in writing, from the planning commission," Preate said. "The planning commission never voted to recommend or not.

"It reflects a mean-spirited intention that is shocking, given the fact we had been acting in good faith for a couple of years to try to answer all the concerns."

Supervisor Bonnie Wasilewski said the planning commission only acts as an advisory board and the supervisors have the final say on such matters. She added the Luzerne County Planning Commission reviewed the plan and concluded that some aspects were incomplete.

Energy Unlimited, of West Conshohocken, had 30 days from May 13, a day after the supervisors issued a written decision in support of the May 1 vote, to appeal the vote. Preate said the appeal was the only legal avenue left for Energy Unlimited. Preate will petition the court next week to set a hearing date.

According to the appeal, the supervisors denied the plan because not all of the nine conditions had been met. Approvals from other review agencies, such as Luzerne County and the Pennsylvania Game Commission, had not been obtained and there were several concerns regarding boundaries, access roads and changes that did not appear on the preliminary approved plan, according to the appeal.

Bear Creek Township Solicitor Bill Vinsko could not be reached for comment.

Preate said Energy Unlimited is asking the court to deem the application approved, as allowed by state law.

"According to state law, if they (supervisors) act improperly, we're entitled by court rule that the application be deemed approved," he said.

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