



December 29, 2006

WILKES-BARRE — For the second time this year, Energy Unlimited has filed suit against Bear Creek Township based on a township supervisors' vote on wind turbines.

The company filed the suit Wednesday to reverse the supervisors' 2-1 denial of a variance allowing nine turbines near Crystal Lake.

The nine turbines on Luzerne County-owned land are part of Energy Unlimited's overall proposed Penobscot Mountain wind farm, which would eventually have 34 turbines on the Theta land.

The other 25 turbines await a Commonwealth Court ruling.

Energy Unlimited lawyers claim the project met the criteria of the township's subdivision and land development ordinance.

According to the lawsuit, the township agreed to a 90-day review process and failed to mail its final ruling by Nov. 19, the date the 90-day period ended.

Supervisors voted on the additional nine at the Nov. 13 meeting.

"They screwed up, again," Energy Unlimited's attorney Ernie Preate said. "They didn't follow the law, again."

The suit also claims planning board member Rose Andrews "unduly influenced" the variance denial because she was new to planning board and should not have voted on the variance on Oct. 16. The planning board voted 3-1 to recommend the supervisors reject the variance.

"I have complete faith in the board of supervisors," Bear Creek Solicitor William Vinsko said. "We'll look at the grounds of the appeal, and address it then."