

## **Resolution of the Town Board of the Town of Nassau**

### **STATING OPPOSITION TO THE KINDER MORGAN NATURAL GAS PIPELINE PROPOSED TO BE ROUTED THROUGH THE TOWN OF NASSAU**

#### **Resolution No. 11**

WHEREAS, a large natural gas pipeline called the Northeast Energy Direct (NED) pipeline project, has been proposed by Kinder Morgan and its subsidiary Tennessee Gas Pipeline, LLC, to be routed through Rensselaer County, including the entire width of the northern portion of the Town of Nassau; and

WHEREAS, the proposed NED pipeline would be much larger, up to 36 inches in diameter, and operate at much higher pressures, than currently operating natural gas pipelines in Rensselaer County; and

WHEREAS, the proposed NED pipeline would transport natural gas from other parts of the country for intended export out of New York State and possibly overseas, with no natural gas benefits to the residents of the Town of Nassau or Rensselaer County; and

WHEREAS, this project, as currently planned, would not follow a route through the community already impacted by a pipeline in the southern end of the Town of Nassau; and

WHEREAS, the Town Board of the Town of Nassau has endeavored to be fully informed of this project and its impacts and has requested that the Town's Natural Resources Committee review and provide a report of the natural resources impacts of this project;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Nassau does hereby make the following findings:

WHEREAS, the Nassau Natural Resources Committee has completed this report and the document provides an outline of real and detrimental impacts to the biodiversity and natural areas of concern across the width of the Town of Nassau from the current route proposed for this industrial project; and

1. as proposed, this pipeline will run across private property, directly adjacent to homes and through waterways; and
2. as proposed, this project will impact residential wells, natural groundwater recharge areas and aquifers; and

3. this proposal is expected to blast through the Rensselaer Plateau which is one of New York's largest intact forested areas that has brought economic opportunity through tourism and responsible business to many areas of Rensselaer County – including Nassau; and
4. this proposal would impact designated areas of archeological sensitivity across the community; and
5. the Town Board of the Town of Nassau has received numerous public comments during Town meetings as well as numerous calls and messages of concern from residents impacted by this project which have stated opposition to this project; and
6. the Town Board of the Town of Nassau has received letters of opposition and messages from business owners and community groups in the town expressing specific and economically damaging concerns about the impacts on business operations and programs from construction and operation of this pipeline; and
7. the loss of business activity even during this proposed project construction period could mean the closure of small operations in this fragile economy; and
8. members of the Town Board of the Town of Nassau have attended the only Rensselaer County informational meeting hosted by Kinder Morgan and Board Members have also attended community forums across Rensselaer County on this project which were sponsored by community members to collect and share information on this proposal; and
9. as currently proposed, this pipeline has a significant potential impact in the areas of public safety, home values, businesses, sensitive habitat fragmentation and further stalling of economic opportunity; and
10. the project applicant, Kinder Morgan, is seeking federal eminent domain status to allow for property to be secured for the routing of the pipeline, including properties in the Town of Nassau; and
11. the granting of and threat of federal eminent domain status to Kinder Morgan for this project which will not benefit our residents will give the company and its affiliates an unfair advantage over property owners in this community; and
12. as proposed, this pipeline project will result in significant amounts of private property being incorporated into this project which will lead to a decline in property values, ability to conduct business and a decrease in taxable values for the community as a whole; and
13. the proposed NED pipeline route through the Town of Nassau would closely follow the high voltage right-of-way presently owned and operated by National Grid, raising reasonable concern for the detrimental interaction between the pipeline and the electromagnetic fields established by the high voltage wires; and

14. the thickness/strength of the proposed NED pipeline, the depth at which it would be buried in the ground and the inspection methods for the necessary welds are proposed to be significantly less for our rural area than those required for urban areas; and

15. the proposed NED pipeline could cause disruption and undue burdens for emergency services and would significantly increase the potential for catastrophic damage to lives, property, roadways, streams, wells, aquifers and wetlands in our small, rural community; and

16. the Town Board of the Town of Nassau believes the level of compensation and mitigation that may potentially be offered by the developers of the proposed NED pipeline would not outweigh the long term fiscal, health, safety, business, environmental and quality of life impacts to our community; and

17. the proposed pipeline project is contrary to the rural residential character of the community and will fail to follow the already existing pipeline corridor; and

18. the proposed use of lands of the town of Nassau for an industrial compressor station necessary to operate this pipeline, in any portion of the community, would have dramatic and long term, environmental, social and economic impacts on the rural residential character of the community; and

19. the construction and operation of such a gas compressor station is contrary to Town laws as well as the Town of Nassau Comprehensive Plan as developed and approved by the community in July 2011;

and, be it further RESOLVED, that based on the above findings, the Town Board hereby declares its strong opposition to the construction of the proposed NED pipeline through the Town of Nassau; and, be it further

RESOLVED, that the Town Board of the Town of Nassau requests that, because of the abundant un-answered questions, impacts, and concerns brought forward by our residents, the Federal Energy Regulatory Commission (FERC) deny a certificate of public convenience and necessity to Kinder Morgan and the Tennessee Gas Pipeline Company for the construction of the proposed NED pipeline; and, be it further

RESOLVED, that the Town Board of the Town of Nassau does hereby oppose the granting of eminent domain status for the Kinder Morgan natural gas pipeline proposed to cut through the community; and, be it further

RESOLVED, that the Town Board of the Town of Nassau does hereby oppose the use of lands of the Town of Nassau for an industrial compressor station in any portion of the community as such usage would be in violation with local planning documents and local laws; and, be it further

RESOLVED, that the Town Clerk of the Town of Nassau is hereby directed to transmit copies of this resolution to United States Senator Charles Schumer, United States Senator Kirsten

Gillibrand, Congressman Chris Gibson, Congressman Paul Tonko, Governor Andrew Cuomo, New York State Senator Kathy Marchione, State Assemblyman Steve McLaughlin and Rensselaer County Executive Kathy Jimino.

Upon motion made by Supervisor David Fleming, and seconded by Ms. Richards, the foregoing resolution was duly adopted by a majority of the members of the Town Board of the Town of

Nassau at its Regular Meeting held on May 14, 2015, by roll call vote as follows:

Ronald Sears, Councilmember	No__	Yes <u>X</u>	Absent/Abstain__
Lani Richards, Councilmember	No__	Yes <u>X</u>	Absent/Abstain__
Jonathan Goebel, Councilmember	No__	Yes <u>X</u>	Absent/Abstain__
Robert Rings, Councilmember	No__	Yes <u>X</u>	Absent/Abstain__
David Fleming, Supervisor	No__	Yes <u>X</u>	Absent/Abstain__

Said Resolution was duly adopted: May 14, 2015. IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Nassau, Rensselaer County, New York.

\_\_\_\_\_, Sandra L. Rings, Town Clerk Dated: May 22, 2015

(Seal)