



TOWN OF NORTH CASTLE

Town Hall - 15 Bedford Road
Armonk, New York 10504

Established 1736

ALISON SIMON
Town Clerk

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Councilman *D'Angelo* moved, seconded by Councilman *DiGiacinto*

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

I, Alison Simon, Town Clerk of the Town of North Castle, do hereby certify that the attached resolution was duly adopted at a regularly scheduled meeting of the Town Board of the Town of North Castle held on January 25, 2017 and that the attached resolution is a true and correct transcript thereof.


Alison Simon, Town Clerk

Dated: January 25, 2017
Armonk, New York

RESOLUTION OF THE TOWN BOARD
OF THE TOWN OF NORTH CASTLE, NEW YORK

WHEREAS, by a certain Notice dated November 7, 2016, received on November 14, 2016, by the office of the Town Supervisor of the Town of North Castle (*the "Town"*) from Paradigm Treatment Centers, LLC of 6323 Via Escondido Drive, Malibu, California 90265 (*"Paradigm"*), Paradigm provided the Town of North Castle with formal notification under Section 41.34 of the New York Mental Hygiene Law of the interest and intent of Paradigm to establish a proposed community residential facility for the mentally disabled at 14-16 Cole Drive in the Town of North Castle (*the "Property"*); and

WHEREAS, Paradigm's Notice represented that Paradigm desired to convert the Property into a community residential facility for the mentally disabled for up to eight (8) individuals suffering from mental illness, including depression, anxiety, trauma, grief, co-occurring substance abuse disorders and/or co-occurring eating disorders; and

WHEREAS, Paradigm's Notice failed to notify the Town of the community support requirements of the proposed facility; and

WHEREAS, Paradigm's Notice failed to provide the Town with any of the most recently published data compiled pursuant to Section four hundred sixty-three of the Social Services Law; and

WHEREAS, Paradigm's Notice erroneously represented that the Property was serviced by public sewer and water whereas in fact the Property is serviced by septic and well water; and

WHEREAS, the Property borders a pond jointly owned by several other Town residents; and

WHEREAS, Paradigm's Notice purported to invoke a 40-day period from November 14, 2016, for the Town to respond pursuant to one of the enumerated methods of Mental Hygiene Law Section 41.34 (c)(1)(A)(B) or (C); and

WHEREAS, the Town Board scheduled a public meeting with respect to Paradigm's Notice for November 30, 2016, at 7:30 p.m. (*the "Public Meeting"*); and

WHEREAS, at the November 30, 2016, Public Meeting many concerns were raised with respect to the type of facility in fact proposed by Paradigm, about whether it was governed by the Padavan Law and in regard to conflicts between Paradigm's various notices to the Town and other written materials publicly posted by Paradigm which stated that "Paradigm New York is one of the leading treatment centers for adolescent substance abuse and addiction treatment"; and

WHEREAS, specific concerns were also raised at the Public Meeting with regard to septic, water, traffic, parking and other environmental impacts of the proposed intensification of an already taxed infrastructure in the neighborhood; and

WHEREAS, in particular, many members of the community identified information, including from Paradigm's own website quoted above, demonstrating that Paradigm was, in fact, advertising a proposed drug addiction and substance abuse facility at the Property; and

WHEREAS, a transcript of the Public Meeting and a complete record of petitions, correspondence and other materials were provided to the Town Board; and

WHEREAS, questions were raised about the very short, temporary period of time planned for treatment of anyone at the facility and, as such, whether this was in fact a community residential facility under the Padavan Law; and

WHEREAS, on November 30, 2016, Paradigm issued what it referred to as a "Supplemental Notice" whereby Paradigm provided to the Town a list containing some of the most recently published data required by Mental Hygiene Law Section 41.34(c)(1); and

WHEREAS, Paradigm's Supplemental Notice was identified at the Public Meeting to be deficient and not a complete copy of the most recently published data required by Mental Hygiene Law Section 41.34(c)(1); and

WHEREAS, on December 8, 2016, Paradigm again supplemented its earlier notices by providing the Town of North Castle with what Paradigm identified as a copy of the New York State Communities Facilities Registry for the entirety of Westchester County; and

WHEREAS, on or about December 19, 2016, the Town of North Castle and Paradigm entered into a Stipulation where by it was mutually agreed, *inter alia*, that the 40-day time period for the Town Board to act regarding Paradigm's Notices was extended to the Town Board meeting and Town Board vote of January 25, 2017, and subsequently further extended by Supplemental Stipulation dated January 25, 2017, to January 27, 2017, to allow sufficient time for the Town Board to file an objection; and

WHEREAS, at the Public Meeting and in and by the Stipulation, Paradigm agreed to respond, in writing, to many questions raised at the Public Meeting and to provide professional reports, data and studies with respect to the septic and water systems, traffic, et al. by various dates, all well before December 31, 2016; and

WHEREAS, Paradigm failed to provide to the Town the information data and professional reports they had specifically agreed to provide well before December 31, 2016, in anticipation of the scheduled January 25, 2017, Town Board meeting, the extended date for the Town's determination herein; and

WHEREAS, the Town Board hereby finds based upon the most recently published list compiled pursuant to Section four hundred sixty-three of the Social Services Law, that the proposed facility would result in such a concentration of community residential facilities for the mentally disabled in the municipality or in the area in proximity to the site selected, or a combination of such facilities with other community residences or similar facilities licensed by other agencies of state government, including all community residences, intermediate care facilities, residential care facilities for adults and residential treatment facilities for individuals with mental illness or developmental disabilities, operated pursuant to Article 16 or Article 31 of the Mental Hygiene Law and all similar residential facilities of 14 or less residents operated or licensed by another state agency, that the nature and character of the areas within the municipality would be substantially altered; and

WHEREAS, the Town Board hereby further finds that Paradigm has not presented the Town Board with any data demonstrating need for the proposed facility within the Town of North Castle or County of Westchester; and

WHEREAS, the Town Board further finds that commencing with the Notice dated November 7, 2016, erroneously representing that the Property was serviced by public sewer and water and omitting entirely identification of all other facilities as required by law,

followed by a supplemental notice which failed to provide the required most recent and comprehensive list of facilities as required by New York Law, and the failure by Paradigm to meet submission dates they had committed to provide to the Town Board many answers to questions raised at the Public Meeting as well as, *inter alia*, professional reports with respect to septic, water and traffic among other items as Paradigm had agreed with the Town at the Public Meeting and, in writing, pursuant to Stipulation; and

WHEREAS, it appearing to the Town Board and to the many members of the community who have contacted the Town Board with respect to Paradigm's action and conduct herein that Paradigm has proceeded in a disingenuous manner and; accordingly, it is

RESOLVED, that the Town Board, under all of the facts and circumstances presented in this record, expresses its concern that the proposal by Paradigm does not qualify under Section 41.34 of the Mental Hygiene Law (*the "Padavan Law"*) and questions whether the proposal should be rejected by the Office of the Mental Health on that basis; and it is hereby further

RESOLVED, pursuant to the State Mental Hygiene Law, Section 41.34 that the Town Board hereby Objects to the establishment of the proposed community residential facility by Paradigm at 14-16 Cole Drive, Armonk, New York; and be it further

RESOLVED, that the establishment of the proposed community residential facility by Paradigm at 14-16 Cole Drive, Armonk, New York would result in an over concentration of community residential facilities for the mentally disabled and other similar facilities by

other agencies of state government in the Town of North Castle and in the area in proximity to 14-16 Cole Drive, Armonk, New York, such that the nature and character of the areas within the Town of North Castle would be substantially altered; and be it further

RESOLVED, that Paradigm has failed to demonstrate need for its proposed community residential facility in the Town of North Castle; and be it further

RESOLVED, that the Town Attorney is hereby directed to immediately file a copy of this Resolution and the accompanying Objection with the Commissioner of Mental Health of the State of New York; and it is further

RESOLVED, that this Resolution and the accompanying Objection is and shall be without prejudice to all other rights and remedies of the Town of North Castle, all of which are hereby reserved and preserved with respect to Paradigm.

Dated: January 25, 2017