

Anthony Futia

From: "Paul Feiner" <pfeiner@greenburgh.com>
To: "Anthony Futia"
Sent: Tuesday, March 18, 2003 2:15 PM
Subject: RE: West-H.E.L.P.

I disagree with your views. The concept was to provide a benefit to the people living near a homeless shelter. If the county would build 108 units of homeless housing near Custis Ave against the will of the neighbors shouldn't you and your immediate neighbors get something in return? This approach is a win for the county, win for the neighborhood and win for the homeless .

paul feiner

-----Original Message-----

From: Anthony Futia [mailto:futia2@worldnet.att.net]
Sent: Tuesday, March 18, 2003 10:18 AM
To: Paul Feiner
Subject: West-H.E.L.P.

Anthony Futia
34 Custis Avenue
N White Plains NY 10603
Phone: 914-948-4368
Email: futia2@worldnet.att.net

March 17, 2003

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains NY 10601

Re: Committee on Budget & Appropriations (Greenburgh-West-H.E.L.P.
Local Law Intro 4-2003

Honorable Members of the Board:

I am a lifelong resident of Westchester County and a former member of the Valhalla Union Free School District Board of Education, having resided within its boundaries all my life.

While attending the legislative session on this day, March 17th, I was shocked to learn that *although at this point in time, no West-Help children are attending Valhalla schools*, the county is planning to transfer \$700,000 of county taxpayer dollars in annual payments to the Valhalla School District.

Another \$100,000 of county taxpayers dollars annually is earmarked for the Town of Greenburgh, to be transferred to The Mayfair-Knollwood and Knollwood Manor Civic Associations. *It is apparent that cost controls on the county budget committee are as nonexistent as common sense.*

The aforementioned is in clear violation of the New York State Constitution, *Article VIII, Section 1 "No public money or credit for private purpose."*

3/18/2003

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for a law which violates the Constitution to be valid. This is succinctly stated as follows:

All laws which are repugnant to the Constitution are null and void." *Marbury vs. Madison*, 5 US (2 Cranch) 137, 174, 176, (1803).

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda vs. Arizona*, 384 US 436 p. 491.

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed." *Norton vs. Shelby County* 118 US 425 p. 442

The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. "No one is bound to obey an unconstitutional law and no courts are bound to enforce it." *16 Am Jur 2d, Sec 177 Late 2d, Sec 256.*

I suggest that the Board of Legislators send these documents back to the Committee on Budget and Appropriations for redress.

Sincerely,

Anthony Futia

Cc: Supervisor Paul Feiner