



TOWN OF ROCHESTER

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Statement by Pam Duke

I would like to take this opportunity to share the Town Board's intentions relating to the process by which we interviewed Manuela Mihailescu as a candidate for the Historic Preservation Commission. We are aware that many of you are here this evening because you feel Ms. Mihailescu was wronged by the Town Board. And many people have judged our actions based on only one version of the story. I would like to share what I can without violating our obligation to Ms. Mihailescu to protect the confidentiality of Executive Session.

In January 2006, our Town established a formal appointment procedure for vacancies on Town boards, commissions and committees that is published on the Town website and is available at the Town Hall. In accordance with that policy, we post each opening, invite people to send in letters of interest and interview every candidate.

The selection procedure states that interviews of prospective candidates are to be held in Executive Session. Executive sessions are confidential meetings of the Town Board that are permitted by State Law and that, among other things, authorize public bodies to discuss and review personnel matters privately.¹ After interviews are completed, the nominees' names are presented to the Town Board for a vote at a public meeting

Until now, we have not spoken about Ms. Mihailescu's confidential interview. We have honored due process and the obligation of privacy owed to her relating to the executive session. However, while Ms. Mihailescu has publicly released her version of events, she has not authorized the Town Board to give its account by signing a waiver of that confidentiality.

Accordingly, we are obligated to remain silent about what happened during the Executive Session interview. We believe, however, that we are able to discuss our intent and the thought process leading up to the session.

In reviewing Ms. Mihailescu's appointment to the Historical Preservation Commission, the Town Board received information from residents that potentially linked Ms. Mihailescu's name to adult websites. The Town Board had many questions.

The questions we asked ourselves were:

¹ Section 105 of New York State Open Meetings Law

1. Is the information relevant to her appointment?
2. Is the information reliable? Should it be disregarded or does it require further review?
3. If the information were reliable and true, would it prevent her from carrying out her duties on the commission or would there be any objection to appointing her?

These are legitimate questions and the only way to answer them was to meet with her to ask for her side of the story. To do anything less would have deprived her right to defend herself against unknown accusations.

Immediately after the second Executive Session, Ms. Mihailescu made her story public. A group of people published her version of the interview and mailed postcards to townspeople that appear to be designed to incite indignation and outrage. Here is where this confidential matter became a public political issue.

We regret the emotional angst that this has created and the division that this has caused in our community. We take the responsibilities of office seriously, and by following our candidate interviewing process, we believe that we acted properly and with sensitivity.

It is time for all of us to work together to face the challenges that are inevitable as we continue to move through our differences.

Despite what the local press and rumor reported, the vote on Ms. Mihailescu's candidacy was never taken and the process was not completed. Are we prepared to vote now?

March 1, 2007