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A8 DAILY HAMPSHIRE GAZETTE

'Chippergate' in Worthington

In fining the Worthington highway superintendent \$1,000 for his involvement with the town's purchase of a woodchipper from his brother, the state Ethics Commission has followed the letter of the law. What it has not done is follow the spirit of the law.

Highway Superintendent Ernest Nugent may have created a situation that appears improper to people far removed from the situation, but the circumstances indicate he and his brother were not trying to pull a fast one on anyone. Selectmen, all of whom were aware of the brothers' relationship, recommended the purchase, and Town Meeting concurred.

We need strong ethics laws for public officials to protect the interests of the taxpayers. This was a case of no harm, no foul. Virtually everyone involved in the decision to buy the woodchipper from Albert Nugent Jr. for \$10,000 in 1998 knew of the Nugents' relationship. Ernest Nugent certainly made no attempt to hide the fact, and went on record at a Board of Selectmen's meeting noting the situation.

Selectmen, acting in part on advice from Ernest Nugent, decided to buy the woodchipper from Bert Nugent. The town had been renting it for \$150 a day for about 30 days a year at the time, so it was a better long-term deal for the town to buy the machine. Conversely, selling the chipper instead of renting it was less lucrative for Bert Nugent. There was no windfall for

either of the brothers.

At Town Meeting, the discussion of the vote centered not on the brothers' link — which was so obvious as to not be an issue — but on whether the town should buy a woodchipper in the first place. It was a broad-daylight deal, not the kind of surreptitious backroom affair that ethics laws are designed to discourage.

The people who know the situation best steadfastly maintain that Ernest Nugent did not violate any laws. That holds more weight than the opinion of a board in Boston, which may not understand the realities of living in and running a small town in western Massachusetts.

Ernest Nugent is not guilty of a crime. He is guilty of failing to receive a written exemption from selectmen. That's all it would have taken for him to be in the clear. He should have complied, but selectmen share some of the blame for that, because they believed he had complied with the law by mentioning his possible conflict at a selectmen's meeting.

Whatever guilt there is, it's not \$1,000 worth of guilt, and it certainly is not fair that Ernest Nugent has to pay the fine out of his own pocket.

The majority of Worthington residents know that neither of the Nugents did anything wrong. The matter should never have made it to the Ethics Commission. The inflexibility of that panel produced a harsh and unwarranted penalty.