

To: House Agriculture Committee
From: Dale and Janet Newton, Fruitlands Bed & Breakfast and Berry Farm
Re: Support for small diversified farms, clarity of in-season advertising rules, penalties for destroying / stealing signs
Date: January 15, 2014

Dear Committee Members:

We appear before you this morning to briefly share a story and to ask you to provide some clarity to the rights of small farms in Vermont to advertise their in-season crops along roadsides.

We built our home and farm in 1976 on Thistle Hill in Cabot. We were just out of college and had secured teaching jobs in local schools. By the next year we had planted our first beds of raspberries and began to plan for a small sugaring operation. We expanded our small fruits by adding blueberries, planted a small orchard and began to invite customers to our U Pick through advertising in local papers, radio and by placing small in-season signs at the junction of our gravel road and RT 2 by Marshfield Dam.

In our best years we pick several thousand pints of organic berries. Most of these are picked by Vermonters from a large geographic area. In particular we have built up a regular customer base of older Vermonters who bring their children and grandchildren to share a tradition generations old.

Over the years it became clear to us that our most effective advertising was our hand-painted signs along RT 2. We typically put them up each day and take them down in the evening. They are up only on the days that we are open. The signs are small and well off the side of the road.

Unfortunately, we have experienced three periods over the years when our signs were stolen or destroyed on a regular basis. During all of these times our income fell when our berries went unpicked and spoiled, and our stress levels and anger increased. We felt violated and victimized.

The first episode turned out to be a local Cabot Town official who was taking the signs. Because he boasted about this at a board meeting, someone called us to let us know. We called the State Police. Our signs were found in his farm's sawdust bin. The officer was going to return them to us, but when he got to our turn, he received an emergency call and tossed out our signs at the base of our hill, later calling us to tell us where they were. We never found out why we were being targeted. The person suffered no penalties for his actions.

During the second episode we discovered that a State AOT supervisor was taking our signs. Although he was claiming that we did not have a right to put up signs, we learned that it may have been related to our being viewed as competition to a fledgling sugaring business close by.

The worst and most sustained losses have been in the past few years. Day after day our signs were stolen. Although I personally spent more angry hours than I wish to admit hiding out of sight trying to identify the thief, I was not able to catch the person(s). We would call the State Police and share our story, but they offered little help. This past summer we called the Washington County Sheriff's Department and appealed for some sort of help. It even got so bad that the stolen signs would be thrown on our lawns at night. Someone was driving a mile up our hill to harass us.

One of the things that disturbed us the most during all of these times was having people say to us, "Wow, what did you do to _____ someone off." Blame the victim? As with many small farm operations in Vermont, we work incredibly hard. It may be a love and passion for us to grow such fragile crops on this Vermont hillside, but it is hard work. Get down on hands and knees and begin to hand trim a row of raspberries, knowing that you still have 2,500 linear feet of rows to go.

In desperation this past summer, we bought a specialized and expensive camera hoping to catch someone in the act so that we could give the police evidence. We also spent several hundred dollars having U Pick lawn signs made thinking that maybe we would just out last the thief. As you can see from the included photo, we did manage to photograph the person on the first day that the camera was in place. We sent the photo to the State Police. We did not know who the person in the photo was, but we hoped that it would provide a lead. It did not take long for the Police to identify this person. They went to his home, found many of our signs in his dumpster and then confronted him. He denied his actions at first. Once that it was obvious that denial was not going to work, he claimed that he was just out enforcing State law. Of course, since he lived in a town ten miles away, he had to drive by many other such in-season signs to get to ours.

The theft stopped. When we asked about charges, we were told that at best it would be petty larceny and that there would not be much, if any, penalty. We were also advised that this person had a "history," and might not be bashful about "getting even" should we press charges.

And no, we do not to this day know what was behind this person's actions. What we do know is that in this last case, we spent way too many days feeling violated, frustrated and discouraged nearly to the point of giving up our decades-long business. We do know that having finally caught the person in action, we had little legal recourse or protection. We can only hope that it does not begin again next summer.

When we first built our home and farm, our property taxes were \$600 / year. Now they are about that per month. Although now retired from teaching and lucky to have a retirement income, we find that we still must work hard in both old and new ventures. We have a B&B, started a small car dealership eight years ago www.vermontTDIimports.com, and I (Dale) work full time at Burke Mt. in the winter. Janet heads a non profit, The EMR Policy Institute www.emrpolicy.org. As someone recently said to us, you are the "moonlight" in Vermont.

We ask that our lawmakers consider our story, consider ways in which Vermont public policy can celebrate small farms, clearly support our right and need to promote our products through in-season advertising and provide law enforcement officials with specific tools that would prevent or at least discourage those who act to take away the fruits of our labor.

Thank you,

Dale and Janet Newton
Fruitlands B&B and Berry Farm, www.fruitlands.net
506 Thistle Hill Road
Marshfield, Vermont 05658
802-426-3889
info@fruitlands.net