



Town of Hull

BOARD OF HEALTH

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253 ATLANTIC AVE

HULL, MA 02045

February 11, 2020

Members Present: Donald Gillis, Chair, Jennifer Butler-Rickard, Virginia MacDonald

Staff Present: Joyce Sullivan, Ellen Barone, Joan Taverna,

6:00pm Chair Gillis called the meeting of the Board of Health to order

6:00pm Discussion pertaining to Ice Cream Trucks

Attendees: Charles Shaffer, 121 Beach Ave.; Susan Short Green, 71 B Street

The Board met at the request of residents Charles Shaffer of and Mark Gladstone 117 Beach Ave. (unable to attend) who requested that the Board discuss the activities of the Ice Cream Trucks that operate in Town who are permitted by the Board of Health. Mr. Shaffer informed the Board that he was also speaking on behalf of Mr. Gladstone with his permission.

Mr. Shaffer expressed his displeasure with the music that is played by the Ice Cream Trucks and the recorded voice that sounds "Hello". He stated that the Trucks start playing their music when they leave a beach opening on Beach Ave. and play it until they reach the next opening where they then stop to conduct their business of selling ice cream. They then play their music when leaving that location until they reach the next beach opening. Mr. Shaffer stated that this noise is constant on some days and all weekend long which he considers to be a disturbance. It is his opinion that the Ice Cream Trucks do not bring a benefit to the Town; they are also a business operating in a Single Family Residential neighborhood. Mr. Shaffer and Mr. Gladstone would like to have the music reduced or eliminated entirely on Beach Avenue. Mr. Shaffer proposed that the Board add a bullet point to the Mobile Food Operator Rules and Regulations that would prohibit the Ice Cream Trucks from playing their music while in motion and limit them to playing it for only five (5) seconds upon arrival at a beach opening. He also suggested that penalties be given for non-compliance.

Mr. Shaffer stated that this meeting would be the only meeting he will attend regarding this issue; his next move would be to hire an attorney to deal with the concept of business operations happening in a residential district. He would be happy if the Board took action by adding bullets to the existing rules and regulations as proposed. He does not want to be the guy that banned the Ice Cream Trucks.

The Board and Staff discussed that Ice Cream Trucks played their music as part of their business to alert customers that they are in the area. The customers know to then go to the beach opening to make their purchases. Music played in other areas of Town alerts residents that the truck is approaching their area. Staff has not received complaints regarding the music from any other area of Town. The reference to Section 137-2 in the Rules and Regulations is a reference to a Town By-law. Any changes to that would require an item on the Town Meeting Warrant. The Staff explained that any monitoring of the activities of the Ice Cream Trucks would be difficult as they most often operate on weekends when staff is not working. When a complaint of any kind is received, staff follows up with the operator via a telephone call. Following through with any penalties for non-compliance would be very difficult as it may not be seen or heard first hand by those authorized to issue penalties.

The Board will refer the issue to Town Counsel and request an opinion on the following questions:

- Can we regulate that they play music only when stationary and limit to 5 seconds
- Could we make "bullet" specific to only Beach Ave.
- How would enforcement be handled, what would be needed to add penalties

- Are they considered a business operating in a residential neighborhood

Documents reviewed: Mobile Food Operator Rules and Regulations, Town By-Law Sect. 137-2

6:45pm Review Fees for possible changes

The Board and Staff discussed the department's current Schedule of Fees dated 2014 which have not been updated in several years. Staff made recommendations on items that should be increased.

After a motion by J. Butler-Rickard, 2nd by V. MacDonald the Board Voted Unanimously to increase the following fees for renewals/permits issued that are effective January 1, 2021.

Certificate of Occupancy (New Units & Rehabs of more than 50%)	\$75.00
Garbage/Refuse Hauler (Per Truck)	\$150.00
Septic Hauler (Per Truck)	\$100.00
Convenience Store	\$100.00
Supermarket	\$200.00
Temporary Food Service/1 Day Permit	\$25.00
Hotel/Motel	
0-19 rooms	\$125.00
20-50 rooms	\$250.00
51-99 rooms	\$375.00
100 + rooms	\$500.00

7:20pm Upon a motion by J. Butler-Rickard, 2nd by V. MacDonald and a vote of 3/0;
It was voted to Adjourn