

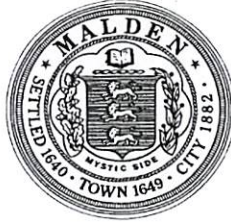
City of Malden
Massachusetts
215 Pleasant Street, Suite 424
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Malden Licensing Board

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Lee A. Kinnon, Chairman

Andrew Zeiberg, Member
Frances Lin, Member

Diane M. Anthony, Clerk



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MINUTES OF MEETING
MALDEN LICENSING BOARD
March 22, 2022

Lee A. Kinnon, Chairman
Andrew Zeiberg, Board Member
Kathryn M. Fallon, City Solicitor
Diane M. Anthony, Clerk
Captain Marc Gatcomb, Police Liaison

The Meeting was called to order by Chairman Kinnon in person at 6:15 p.m.
Member Zeiberg was running late, and Member Lin was absent.
It was stated by Mr. Kinnon that the meeting may be recorded on Zoom or by Urban Media Arts.

Chairman Kinnon announced for the record and to notify applicants that there are only two Board members present. There is a quorum in attendance, however, if there is a tie vote on any application the motion for approval or denial would fail. The parties have now been notified and if they choose to proceed or choose to delay until the next meeting, they should let the Board know now.

All parties with applications before the Board agreed to go forward with their application this evening.

Motion by Andrew Zeiberg to approve the Minutes from February 15, 2022, meeting of the Malden Licensing Board. Seconded by Lee Kinnon

Roll Call Vote:

Andrew Zeiberg – Yea
Lee Kinnon - Yea

Motion passed.

The next item on the agenda is the application for Change of Manager, Alteration of Premises and a Change from a beer and wine license to an all-alcohol package store license at 10 Riverside Park. Present and representing Dom's was Domenic Botticelli, Owner, and Manager.

Mr. Botticelli spoke about the recent renovations the store has undergone. They have added a beer cooler and he would like to open the portfolio for the store and sell mixed seltzer drinks in addition to the beer and wine they currently sell.

Chairman Kinnon stated that Dom's Sausage has had a beer and wine license for 10 years. Captain Gatcomb said he had reviewed the police records and there has never been any issues with Dom's.

Member, Andrew Zeiberg, asked if they were going to be selling bottles of alcohol. Mr. Botticelli said that is not what he is looking for. He wants to sell the hard seltzers that contain vodka or tequila, and he is aware that he cannot do that without an all-alcohol license. He will not be selling scotch or gin in bottles. His business is geared to sell beer, wine, and seltzers. He does not have the room to sell other hard liquors. Mr. Zeiberg asked about the new cooler they installed and when they anticipate the renovation to be complete. Mr. Botticelli said he would like to have everything ready for their grand re-opening on or about April 9th. He is waiting for the cooler doors to come in.

Mr. Botticelli said he has received final signoffs from the Building Department and Board of Health for his occupancy permit.

Chairman Kinnon opened the meeting for anyone to speak in favor of this application. Hearing and seeing no one to speak in favor, that portion of the hearing was closed.

Chairman Kinnon opened the meeting for anyone to speak in opposition of this application. Hearing and seeing no one to speak in opposition, that portion of the hearing was closed.

Chairman Kinnon noted that there are other licensed liquor establishments in the area, but Dom's is already established with a beer and wine license. They are upgrading to an all-alcohol license if approved.

Motion by Andrew Zeiberg to approve the application as submitted. Seconded by Lee Kinnon.

Roll Call Vote:

Andrew Zeiberg – Yea
Lee Kinnon - Yea

Motion passed.

The next item on the agenda is the application for transfer of license for Ibasaw, 95 Middlesex Street. Present and representing the applicant were Attorney Mei Huei Hu along with Chang K. Liu and current manager who will remain, Shi Jin Lin.

Attorney Hu said they have been in business for 5 years and their business is doing well. Over the past 2 years it was tough, but they were able to pull through. Dan Rong Shi is transferring ownership to Five Spices Buffet and Mr. Chang Liu is a 50 percent owner. He has been a general manager for Ibasaw since they opened and a few years ago they brought his cousin, Shi Jin Lin in as manager on the liquor license. There will be no changes in the menu and there will still be the same staff operating Ibasaw. There will be no hurdles or learning curve here.

Chairman Kinnon said it is important to the Board that there is good communication with Shi Jin Lin. The only difference he sees is there are different players in the corporate structure.

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Mr. Chang Liu said Danshi was owned by Ms. Shi and control of the corporation has been transferred to him and his business partner. They have been and will continue to run the restaurant. He has been in restaurant industry for over 20 years, and he has done everything and is comfortable. He will be one of the two general managers and they will also have three managers. There will be managers on site every day. If Mr. Liu is not there, they will call him with any problems.

Chairman Kinnon asked if Ms. Shi was no longer in the business structure and Mr. Liu said he had another partner. Mr. Kinnon stated that she is leaving but the same manager is staying on. It is very important that he know he is responsible for the liquor license and that any problems fall on him. There are two things very important to this Board and that is no over-serving and no service to minors.

Mr. Zeiberg asked for clarification on ownership of the business. Mr. Liu said it was him and his business partner 50% each. The only thing changing is the ownership. Everything else is the same said Mr. Liu. Now it will be an employee-owned business.

Captain Gatcomb said there have been no issues with the liquor license but there was a B&E last year and there were a few instances where patrons left without paying.

Chairman Kinnon opened the meeting for anyone to speak in favor of this application. Hearing and seeing no one to speak in favor, that portion of the hearing was closed.

Chairman Kinnon opened the meeting for anyone to speak in opposition of this application. Hearing and seeing no one to speak in opposition, that portion of the hearing was closed.

Motion by Andrew Zeiberg to approve the application as submitted. Seconded by Lee Kinnon.

Roll Call Vote:

Andrew Zeiberg – Yea

Lee Kinnon - Yea

Motion passed.

The next item on the agenda is an application for a new section 12 beer and wine license for Donut Villa, 1 Highland Avenue. Present and representing the applicant were Erin Bashllari and Khadija Bashllari.

Chairman Kinnon said that when he was reviewing the paperwork submitted, he noticed that the Lease did not permit a liquor license for the premises. He thought it was a restrictive lease. Mr. Erin Bashllari said it was an old document and he had missed that part. Mr. Bashllari said that when he received the call from the clerk yesterday, he got a letter from the management company that says they will agree to amend the lease to accommodate alcoholic beverage use.

Attorney Fallon said that the assignment and assumption of the lease in 2017 was specific and section 34 reiterates donut shop with non-alcoholic beverages. Attorney Fallon said they will need a lease amendment and as it stands now the 2017 lease still has provision for no alcohol. Mr. Bashllari said they could not get the lease amended done today. Mr. Zeiberg said the lease must be amended first. Attorney Fallon said they will need to get the documentation in place. There must be a confirmation to the Board that landlord will permit this. We can

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proceed but we need the lease to comply.

Chairman Kinnon asked about options. He does not want to prevent them from going forward but they would have to get it resolved quickly. Once the application is approved the Board has 3 business days to send it on to the ABCC. Erin Bashllari said he couldn't get the amendment today, but he will work with WS Realty to get going on it. Mr. Kinnon said they could approve it with the condition of the amended lease but if that was not done in a timely manner, we wouldn't make the deadline with the ABCC. Attorney Fallon said there is typically a proposed amendment to a lease that would be signed upon approval, however, the letter submitted is from the property manager on behalf of the landlord. It does refer to the original lease as well as the assignment. Mr. Zeiberg said that they will need to provide insurance and they could not get that without the lease. He wants to make sure everything is in place. Mr. Kinnon said there is a chance it could get rejected.

Chairman Kinnon said they have a chance to withdraw and come back for the next meeting with the lease in order.

Erin Bashllari said he opened a location in Cambridge and already has a liquor license with the ABCC. He thought the process was smooth in Cambridge. Mr. Kinnon said he just stumbled on this problem while reading through the lease. Attorney Fallon noted an error on the application which should state the actual name of the business in Cambridge under other licenses held. It has Erin's name, and it should have the business name.

Chairman Kinnon asked if they had talked with the Ward Councillor and Mr. Bashllari said he had not.

Attorney Fallon said they would need the lease changed to allow the use they are applying for with the Board. Chairman Kinnon asked if they wanted to be ready for next month's meeting. They would need to advertise again. Mr. Bashllari said he would.

Motion by Andrew Zeiberg to allow applicant to withdraw – Seconded by Lee Kinnon.

Roll Call Vote:

Andrew Zeiberg – Yea

Lee Kinnon - Yea

Motion passed

Motion to adjourn by Andrew Zeiberg – Seconded by Lee Kinnon

Meeting adjourned at 7:00 p.m. Next regularly scheduled meeting will be Tuesday, April 26, 2022, at 6:00 p.m. be in person.

Submitted by:

Diane M. Anthony, Clerk

Malden Licensing Board

Minutes Approved by:
