

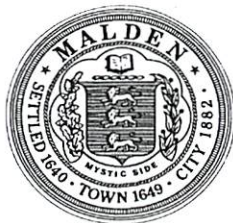
City of Malden
Massachusetts
215 Pleasant Street, Suite 424
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Malden Licensing Board



Lee A. Kinnon, Chairman

Andrew Zeiberg, Member
Frances Lin, Member

Diane M. Anthony, Clerk



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MINUTES OF MEETING
MALDEN LICENSING BOARD
April 26, 2022

Lee A. Kinnon, Chairman
Andrew Zeiberg, Board Member
Frances Lin, 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 6:00 p.m.
It was stated by Mr. Kinnon that the meeting may be recorded on Zoom or by Urban Media Arts.

Motion by Andrew Zeiberg to approve the Minutes from March 8, 2022 and March 22, 2022, meeting of the Malden Licensing Board. Seconded by Frances Lin

Roll Call Vote:

Andrew Zeiberg – Yea
Frances Lin - 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 they had received the draft of the amended lease at about noon today and he has not had the opportunity to review it in full. There was one section that he did read where it states the liquor license would revert to the landlord and that is concerning to him. There is a transfer process that takes place, and a license does not just revert to a landlord. Again, he had not had an opportunity to fully review this.

Members Frances Lin and Andrew Zeiberg also state that they have not had an opportunity to review it either.

Chairman Kinnon said there are two options available to the applicants. They can move forward, and the Board

will vote on their application, or they could ask to continue for an additional 30 days.

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Attorney Fallon said they can request to withdraw and come back to the Board; however, the law requires that the Board vote within 30 days.

Erin Bashllari requested to continue the hearing until the next meeting.

Motion by Andrew Zeiberg to allow the applicant to continue until the May meeting and follow up with request in writing – Seconded by Frances Lin.

Roll Call Vote:

Andrew Zeiberg – Yea
Frances Lin - Yea
Lee Kinnon - Yea

Motion passed

The next item on the agenda is the application for a change of d/b/for Dockside to House of Smoke. Present and representing Dockside was Jack Urbaczweski owner of Dockside.

Chairman Kinnon asked Mr. Urbaczweksi to explain to the Board about the change in d/b/a. Mr. Urbzczewski said he had this restaurant for about 30 years, and he was renewing their lease and felt it was time for a change. They came up with the barbeque concept and have installed two smokers, painted and cleaned it up. They are not changing ownership of the business at all. They are just asking for a change in DBA.

Mr. Zeiberg asked if there were any other physical changes other than the different kitchen equipment. Jack said everything is still the same. He also said there has been a lot of community support in this change.

Motion by Andrew Zeiberg to approve change in DBA – Seconded by Frances Lin

Roll Call Vote:

Andrew Zeiberg – Yea
Frances Lin - Yea
Lee Kinnon - Yea

Motion passed

The next item on the agenda is the application for a transfer of license from Yong Yong Restaurant, 100-108 Ferry Street to Mineirao Steakhouse. Present and representing the applicants were Attorney Christopher Fallon, Sergio Goncalves, Mr. Rosa, and Yong Xie owner of Yong Yong Restaurant.

Chairman Kinnon asked Attorney Fallon if he would like to speak about the application

Attorney Fallon told the Board that this is a different type of restaurant for Malden. It will be a Brazilian Steakhouse located at the corner of Ferry Street and Route 60. Mr. Goncalves will be the sole owner and full-time

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manager. Mr. Goncalves has a great deal of experience in the restaurant and liquor industry. He owns two restaurants in Faneuil Hall and has a third business, Boston and Main Fish with a full liquor license. Both Mr. Goncalves and Mr. Rosa are TIPS trained. The financing is pretty straight forward. The owner, Yong Xie is going to finance \$350,000 of the \$500,000 acquisition price. The Board has been provided with a Lease along with a Promissory Note. It should be noted that another attorney prepared the lease and promissory note. The principal lender is the current owner and the balance of the acquisition price of \$150,000 is coming out of Mr. Goncalves two other businesses, Berry Twist and Monkey Bar. There is no commercial lender. There is a Pledge and collateral of the liquor license.

Sergio is well known and well liked. Mr. Rosa who is also present may at some point be employed at the location and Attorney Fallon wanted him to be here so the Board would be familiar with him. Mr. Goncalves is the owner and owns all stock and he will be working at this location at least 40 hours per week.

Attorney Fallon stated the building permit has been issued and there will be no change in the floor plan, just a few renovations and refurbishing. The floor plan will not be altered and there will be a service bar and not a seated bar. He states that the restaurant will go forward with or without a liquor license, however, they would prefer with a liquor license. He notes that if approved by the local board they understand it would be a while for the ABCC approval. He anticipates opening about July 4th or perhaps a few weeks earlier if approved.

Chairman Kinnon asked about the lease with parking lot and the MBTA and if the parking space lease goes with the transfer. Attorney Fallon said the parking spaces will remain the same as with Yong Yong.

Mr. Zeiberg asked if there were any violations with Mr. Goncalves other locations and Mr. Goncalves said no. Two of his locations are in Quincy Market Food Court and there have been no problems. Mr. Zieberg asked if he held any licenses outside of Massachusetts and Mr. Goncalves said no.

Ms. Lin asked Attorney Fallon if both Mr. Goncalves and Mr. Rosa were TIPS trained. Both gentlemen showed the Board their TIPS identification cards. Ms. Lin then asked if they knew the 6 forms of acceptable identification. The answer provided by Mr. Goncalves was Mass License, Mass Liquor ID, passport, passport ID and military ID.

Mr. Kinnon asked Mr. Goncalves since this was a new business is he expecting to be there 40 hours per week. Mr. Kinnon explained that even if he were to hire another manager, it is his name on the license and ultimately it is his responsibility to make sure there is no over-serving or serving of under-age minors. It is important to this Board that there is no over-serving of patrons and no serving to minors. Mr. Kinnon is happy for the restaurant and noted that the hours of operation provided required last call 45 minutes before closing. So, 12:15 a.m. would be last call with 15 minutes to serve the drink and 30 minutes for the patrons to finish before closing time. It is important to Mr. Kinnon that all servers are trained about last call times.

Mr. Zeiberg asked how many seats and Attorney Fallon said 99 seats for occupancy. It does not exceed that.

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 recognized Captain Marc Gatcomb who told the applicant that it is important for licensees to have a good relationship with the police department. If there were an incident, they would like cooperation to view the cameras, etc. Mr. Zeiberg also stated if there was an incident at the restaurant, they would want to see cooperation with Malden Police Department. Sergio Goncalves said that is fine with him. He would cooperate.

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Motion by Andrew Zeiberg to approve transfer of license from Yong Yong to Mineirao Steakhouse – Seconded by Frances Lin

Roll Call Vote:

Andrew Zeiberg – Yea
Frances Lin - Yea
Lee Kinnon - Yea

Motion passed

The next item on the agenda is the application for a new section 15 beer and wine license for Dishlav LLC d/b/a Linden Convenience, 455 Lynn Street. Present and representing the applicants were Attorney Sean Began, Disha Patel and Lav Patel.

Chairman Kinnon asked Attorney Began if he would like to say a few things. Attorney Began said that Disha and Lav Patel own and operate Linden Convenience at 455 Lynn Street. They have operated this store since 2016. They also own a store in Andover that has a liquor license and a store in Medford and 3 stores in Lynn. They are very familiar with the rules and regulations. They are looking for a beer and wine license to increase sales and also it will be convenient for the neighborhood. Several customers have asked about it. They also own the convenience store property as well as 2 residences next door. They have done a very nice job with the property and business. They have not had any problems with the Andover liquor license. Attorney Began acknowledged receipt of the letter of opposition of Councillor Sica provided to him prior to the start of the meeting. He is aware of another convenience store with a beer and wine license in close proximity, however, it is not in the same driving path.

Chairman Kinnon asked Mr. and Mrs. Patel about an incident with the Andover Board of Health in July 2020 for selling tobacco to a minor. Mr. Patel said it was a surprise inspection and that employee is no longer employed by him. He now requires a minimum of 2- ID's for over 21. Mr. Kinnon asked both applicants what the 6 forms of acceptable identification are. Ms. Patel answered US Passport, driver's license, state ID card, liquor ID and finally a military ID. Mr. Kinnon said they are allowed to accept any ID but that would be at their own risk. Mr. Patel said if they are approved, they will be buying an ID checker and will use that for purchase of beer and wine. Mr. Kinnon explained that in 2019 we (the Malden Liquor Board) said no to an all-alcohol license as there are already licensees in close proximity. There was Councillor opposition also in 2019 and again in 2022. The Board's job is to know our city and to look at the city-wide maps. Mr. Kinnon believes Mr. and Mrs. Patel are qualified but their employees must also be as serious as they are about this. Kids can go in and out. They need strong employees as he feels kids will seek out a weak person. Mr. Patel said if they are approved an ID must be scanned. They are also trying to generate an alert in their computer system for a 21 or over purchase of liquor or cigarettes. The employee would need to enter a birthdate.

Mr. Kinnon said he is having a problem justifying a license from their location when there is already one just around the corner. Mr. Kinnon asked if they were provided the GIS maps showing the locations and distances to the other locations already licensed. Attorney Began said they were. He said he appreciates the fact that the ward Councillor wrote the letter but other than Robinsons the other locations are not that close in proximity and Robinsons is not in the same travel lane. Attorney Began said they come before the Board today for a lesser license for beer and wine not all alcohol. This is a family with considerable investment in Malden. They own 2 residential homes adjacent to the store. He believes the tone of the councilor's letter is that she would be opposed to any liquor store. He does not believe there are an excessive number of stores in that area.

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Mr. Kinnon explained to Attorney Began that there tend to be more liquor establishments in the downtown area. We did not make all the decisions for all the past license, but we can only do what is good for the city today. Mr. Kinnon said this store is still in close proximity to Robinson's.

Mr. Patel said he still has customers asking for beer and wine sales. They have lottery and his customers want to keep up with traditions. Parents want to buy their 21-year-old their first lottery ticket at his store. Their customers trust them.

Mr. Kinnon said a liquor license is a privilege that is enjoyed. We need to be aware of public need and not exceed public need.

Mr. Zeiberg asked where in the store would the area be for beer and wine. Mr. Patel said the floor plan was provided but Mr. Zeiberg said it was not clearly labeled. Mr. Patel showed the area on the floor plan where the beer and wine cooler would be located. Mr. Zeiberg said he lives in the area and noticed they built a seating area.

Captain Gatcomb said there was an incident a while ago in the parking lot, but the business cooperated with MPD. There have been no other incidents from 2016 to present.

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. The letter in opposition from Councillor Sica is attached hereto and is part of the record. Hearing and seeing no one to speak in opposition, that portion of the hearing was closed.

Motion by Andrew Zeiberg to approve for a beer and wine license – No second

Motion fails.

Attorney Fallon said the motion by Mr. Zieberg did not carry as there was not second. If there is a motion to deny they must make findings of fact.

Ms. Lin asked to reconsider the request and the previous 2019 decision and the ward councilor letter. Mr. Kinnon said the findings of fact for a beer and wine license would be similar to the 2019 decision. He said Ms. Lin must make a motion to approve or deny. They cannot reconsider. Mr. Zeiberg also said a motion to approve or deny must be made. If you make a motion to deny you must make findings of fact.

Motion by Frances Lin to deny - Taking into consideration the 2019 decision to deny and the ward councilor's opposition in 2019 and ward councilor's opposition in 2022. Also noted the lack of public need as Robinson's is right around the corner. – Seconded by Lee Kinnon

Roll Call Vote:

Andrew Zeiberg – Nea

Frances Lin - Yea

Lee Kinnon - Yea

Motion passed

Mr. Patel asked to address the Board and Chairman Kinnon granted his request.

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Mr. Patel noted to the Board that Robinson's is under investigation for laundering money and the FBI is involved. Mr. Kinnon said they have been presented with the facts today and their decisions are based on today. If things change in the future, we will make a decision at that time. Captain Gatcomb cautioned Mr. Patel about making public statements. Mr. Patel thanked the Board for their consideration.

Motion to adjourn by Andrew Zeiberg – Seconded by Lee Kinnon

Meeting adjourned at 8:00 p.m. Next regularly scheduled meeting will be Tuesday May 17, 2022, at 6:00 p.m. It will be in person.

Submitted by:
Diane M. Anthony, Clerk
Malden Licensing Board
Minutes Approved by:
