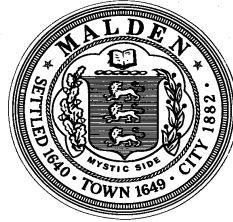


**City of Malden
Massachusetts
215 Pleasant Street, Suite 424
Malden, MA 02148
Malden Licensing Board**



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 27, 2021**

Lee A. Kinnon, Chairman
Andrew Zeiberg, Board Member
Frances Lin, Member
Kathryn M. Fallon, City Solicitor
Diane M. Anthony, Clerk
Lt. Michael Powell, Police Liaison

The Meeting was called to order by Chairman Lee Kinnon via telephone/zoom conference call at 6:00 p.m.

Motion by Andrew Zeiberg to approve the Minutes from March 23, 2021 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 the application of Saigon NV, 381 Main Street for permanent/seasonal sidewalk service area in front of premises. Area to be used is 104 square feet in total and with 2 tables of 4 total occupancy of 8. Mr. Tom Le, owner and manager was present.

Chairman Kinnon explained that the sidewalk service has already been approved by the Board under the ABCC guidelines for COVID outdoor service. Mr. Le is requesting the outdoor sidewalk service be approved for permanent/seasonal service.

There were no further questions from the Board.

Chairman Kinnon asked if there was anyone present in favor of this application – No response

Chairman Kinnon asked if there was anyone present in opposition of this application – No response

Attorney Fallon and Chairman Kinnon noted that the Certificate of Insurance needed to be updated to include the City of Malden as an additional insured since they are using the City sidewalk. Mr. Le said he will get that done.

Motion by Andrew Zeiberg to approve the permanent/seasonal sidewalk service with the provision that a Certificate of Insurance be provided naming the City of Malden as additional insured – 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 outdoor sidewalk service for El Potro, 156 Highland Avenue. Present and representing El Potro was Joe Carriero, business manager for El Potro.

El Potro is requesting seating for 10 people with 3 tables of 2 to the left of the entrance door facing the building and 1 table of 2 to the right of the entrance door and 1 table to the far right corner of the building for a total of 5 tables of 2 in approximately 270 square feet of sidewalk area including the corner area. There will be plastic chain links connected with poles or pylons.

Chairman Kinnon noted that all sign offs from appropriate departments had been received. Chairman Kinnon asked about Certificate of Insurance and Mr. Carriero said he emailed that to the Clerk yesterday. Clerk confirmed receipt and City is named as additional insured.

Mr. Carriero said that last year they did not want outdoor sidewalk seating. They had to find tables that would accommodate the size of the sidewalk area they could use. They were able to find tables that would accommodate the remainder of the sidewalk be ADA compliant. He is mindful of the fact that the location is in a residential neighborhood. They will follow social distancing guidelines. Mr. Carriero said they will have one dedicated server for the outdoor service and trash receptacles.

Mr. Zeiberg asked about an additional server for the outdoor space if necessary and Mr. Carreiro said if they got that busy, he would have a second server available. Mr. Zeiberg asked if there would be a portable potty but Mr. Carriero said diners would use the restrooms inside the restaurant.

Member, Frances Lin asked about the chain link fencing. Mr. Carriero said they were stanchions like those in a movie theater but they have a chain link that attaches to them. Ms. Lin asked if they would be removed when the restaurant is closed and Mr. Carriero said they will be packed up and locked on the wall of the building on Highland Avenue.

No public comment with no opposition and no one in favor

Motion by Andrew Zeiberg to approve outdoor sidewalk/patio service with closing time of 10:00 PM– 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 update from Gideon Coltof, owner of Bit Bar Malden, 20 Commercial Street. The Board requested that Mr. Coltof provide an update regarding progress on the construction and opening of the restaurant.

Mr. Coltof said he had one hell of a year last year. Things looked doubtful at the end of last year but loans came through and he found a way to move forward. Bit Bar is opening at a new location in Salem sometime in August and he will be focused with the location until sometime in November. He wants to make sure the Salem location is stabilized and the busy October season has passed. He anticipates starting to work on the Malden location sometime in November and will get new quotes from contractors and secure funding at that time. He was very thankful to Sandy Silk and JAG for their efforts in assisting him. Mr. Coltof believes construction will start in Malden during the first quarter of 2022.

Member, Andrew Zeiberg asked where his new location was in Salem. Mr. Coltof said on Derby Street in the old Salem Beer Works location. Mr. Zeiberg said he is very familiar with that area as that is where his office is. Mr. Coltof was very excited with the new Salem location as it is much larger than his old location. He is looking forward to starting the Malden location too. He is sighing a breath of relief as he is in a much better financial situation thanks to government financing.

Member, Frances Lin said she was glad to see Mr. Coltof so excited about his business.

Chairman Kinnon and members of the Board thanked Mr. Coltof for the update.

The next item on the agenda is consideration of entertainment for licensees with outdoor patio/sidewalk seating.

Discussion about whether music, televisions or other types of outdoor entertainment would be permitted between the Board Members. Chairman Kinnon said that he is leaning towards all licensees with outdoor seating be permitted to have background music streaming. Anything beyond background music licensees should be required to come before the Board and notify abutters and City Councillors. He does not feel there should be any type of entertainment trying to get people up and dancing.

Member Andrew Zeiberg said no bands.

Chairman Kinnon stated that in the past this Board was strict about entertainment indoors requiring establishments to keep their doors closed. Now we are dealing with an outside element and due to the changes over the past year we need to address this. Mr. Kinnon expressed a concern with a television outside and a Monday night football game on could be disruptive to a neighborhood. This should be evaluated by the Board and notify abutters and the City Council.

Chairman Kinnon asked if Lt. Powell had any input. Lt. Powell said it is a valid point that we must maintain peace and tranquility in the neighborhoods.

Attorney Fallon said at this time live performances are restricted and at this time they have not been lifted. The Board should review any application and they can set restrictions such as time.

The members of the Board all felt that background music should be allowed but anything other than that will require an application to the Board with abutter notification and City Council notification.

Motion by Andrew Zeiberg for a new Board policy for outdoor entertainment to allow background music only. Any other type of entertainment will require a licensee to submit a proposal to the Board, notify abutters by certified mail, and notify City Councillors. – Seconded by Frances Lin

Roll Call Vote:

Andrew Zeiberg – Yea

Frances Lin – Yea

Lee Kinnon – Yea

Motion passed.

Chairman Kinnon asked Lt. Powell if he had anything to report. There was a discussion about an incident at Mixx 360, however, that incident is still under investigation. Lt. Powell said that patrons have been quiet. Chairman Kinnon said they needed to plan to go out for visitations soon.

Motion by Andrew Zeiberg to adjourn meeting – Seconded by Frances Lin

Meeting adjourned at 6:55 p.m. Next regularly scheduled meeting will be held on May 25, 2021 at 6:00 p.m.
Submitted by:

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