MINUTES OF MEETING
MALDEN LICENSING BOARD
June 23, 2020

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

The meeting was called to order by Chairman Lee Kinnon via telephone/zoom conference call at 4:00 p.m.

The purpose of this meeting was to approve/deny the completed applications to expand licensed premises for outdoor seating in accordance with ABCC Advisory issued June 1, 2020 and June 7, 2020 (copy attached to these minutes)

The following completed applications to expand licensed premises for outdoor seating before the Board were:

El Mexsal, 97 Medford Street
East Side Athletic Association, 14 Webster Court
Moose, 562 Broadway

Approval sign off sheet from Board of Health Director, Police Chief, Fire Chief, DPW Director, Building Commissioner and Parking Director for each applicant have been received.

Ibasaw did not file completed application. Motion by Andrew Zeiberg to allow withdrawal for resubmission at next meeting.

Motion passed.

Review application for El Mexsal, 97 Medford Street indicates use of City sidewalk area in front of 97 Medford Street and also adjoining sidewalk space at 99 Medford Street, Letter from the owner of 99 Medford Street has been received by the Board. Sidewalk area to be used is 845 square feet and will seat 12 people at maximum occupancy.

All sign offs and Certificate of Insurance are in order.
After review of the applications and supporting documents and upon motion by Andrew Zeiberg to approve with the following conditions:

**Per Board of Health:** The Mass.gov reopening checklist, the self attestation form, and a sign reminding customers to wear masks when entering and exiting must be posted at the point of entry. No smoking is allowed in the dining areas, there can be no direct bar service to a customer. All customers must be seated.

**Per Building Commissioner:** Approved Pending Final Inspection

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Review application for East Side AA, 14 Webster Court indicates use of private parking area on the right side of the building at 16 Webster Court. Area to be used is 1,620 square feet and will seat 24 people at maximum occupancy.

All sign offs and Certificate of Insurance are in order.

After review of the applications and supporting documents and upon motion by Andrew Zeiberg to approve with the following conditions:

**Per Board of Health:** The Mass.gov reopening checklist, the self attestation form, and a sign reminding customers to wear masks when entering and exiting must be posted at the point of entry. No smoking is allowed in the dining areas, there can be no direct bar service to a customer. All customers must be seated.

**Per Malden Fire Department:** The Malden Fire Department would like the East Side AA to keep all outdoor tables and seating on the right (patio) side of the building. No tables should be placed along the front of the building facing Webster Ct.

**Per Building Commissioner:** Approved Pending Final Inspection

Motion passed.

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Review application for Moose, 562 Broadway indicates use of private parking area in the back of the building at 562 Broadway. Area to be used is 3,480 square feet and will seat 54 people at maximum occupancy.

All sign offs are in order however, Certificate of Insurance needs to be changed to Loyal Order of Moose as insured rather than Henry's Catering.

After review of the applications and supporting documents and upon motion by Andrew Zeiberg to approve with the following conditions:

**Per Board of Health:** The Mass.gov reopening checklist, the self attestation form, and a sign reminding customers to wear masks when entering and exiting must be posted at the point of entry. No smoking is allowed in the dining areas, there can be no direct bar service to a customer. All customers must be seated.

**Per Malden Fire Department:** Approved pending installation of some type of protective barrier for any exposed tables that run in or along side of the parking area.
Chairman Kinnon asked Captain Gatcomb if he had any reports or complaints and Captain Gatcomb said he has not received any reports or complaints on any licensee.

Chairman Kinnon and Member Zeiberg asked Attorney Fallon about status of Commonwealth of Massachusetts' Phase 2 and recent changes that became effective on June 22, 2020 for indoor dining. Chairman Kinnon and Attorney Fallon will look into the responsibilities and compliance for licensees. Chairman Kinnon wanted to make sure licensees understand what they are responsible for them for example, no bar service. Occupancy will be reduced based on social distancing mandate. Attorney Fallon will circulate to the Board the list of responsibilities and compliance. After Board review they may circulate to the applicable licensees.

Meeting adjourned at 4:25 p.m. Next meeting will be held on June 30, 2020 at 4:00 p.m.

Submitted by:
Diane M. Anthony, Clerk
Malden Licensing Board
Minutes Approved by:
On June 1, 2020, Governor Charlie Baker issued an Order Clarifying the Progression of the Commonwealth’s Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening Preparations at Phase II Workplaces, which, in part, details the process for reopening establishments for on-premises consumption. The text of the Governor’s Order can be found HERE.

When the Governor declares that the Commonwealth has entered Phase II of its reopening plan all licensees for on-premises consumption of alcohol may commence outdoor table service only. Indoor service will remain prohibited until further order from the Governor.

The Governor’s Order also grants the local licensing authorities (“LLA”) the authority to expand alcohol licensees’ licensed premises for outdoor seating in an expedited process.

Pursuant to the Governor’s Order, on application from a licensee that serves alcohol for on-premises consumption, the LLA may alter the description of the licensee’s licensed premises to expand for outdoor seating that the LLA deems “reasonable and proper.” The LLA does not need to comply with M.G.L. c. 138, § 15A, and therefore does not need to provide advance notice to abutters or hold a public hearing on the application. LLAs must continue to follow the ABCC’s guidelines issued in 2015 for the approval of outdoor seating, which can be found HERE.

ABCC approval is not required on these applications. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

Please be aware that all expanded premises approved pursuant to this Order are only effective through November 1, 2020, or until the Order is rescinded, whichever is sooner, and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of

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1 This includes restaurants, bars, hotels, general-on-premises, clubs, war veterans’ clubs, continuing care retirement communities, pub-brewers (M.G.L. c. 138, §§ 12 and 19D), farmers-series pouring permits, and manufacturers’ pouring permits (M.G.L. c. 138, §§ 19(b), 19B(n), 19C(n), and 19E(o)).
alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued June 1, 2020)
On June 6, 2020, Governor Charlie Baker declared that the Commonwealth had entered Phase II of its reopening plan. According to the Governor and the Executive Office of Housing and Economic Development, licensees for on-premises consumption of alcohol may commence outdoor seated service, provided food is prepared on-site under a retail food permit issued by a municipal authority pursuant to 105 CMR 590.000.

Indoor service remains prohibited until further order from the Governor.

Please note that establishments that do not offer seated table service of food that is prepared on-site under a retail food permit are not allowed to open in Phase II.

Please refer to your Local Board for guidance on outdoor seating.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued June 7, 2020)