



Local Control Sub-committee Meeting - Tuesday, January 19, 2016 - 4:45 pm - DPW Conference Room, Department of Public Works, 645 Pine Street 1/19/2016

Local Control Sub-committee Meeting - Tuesday, January 19, 2016 - 4:45 pm - DPW Conference Room, Department of Public Works, 645 Pine Street (Tuesday, January 19, 2016)

Generated by Ashley Bryce on Friday, January 22, 2016

Members present

Adam Roof, Tom Ayres, Max Tracy

Others present

Lori Olberg, Gregg Meyer, Andrew Manitski, Robert Rapatski, Matthew Gonyo, Jeff Bryant, Morgan True, Ed Smith, Officer Paul Glynn, Zach Despatto, Barry Simays, Daniel Hamlin, Dave Hartnett

Meeting called to order at 4:45 PM DRAFT

1. Agenda

Action, Procedural: 1.01 Motion to adopt agenda
motion to adopt agenda

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Not Present at Vote: Max Tracy

2. Consent Agenda

Action (Consent), Procedural: 2.01 motion to adopt agenda taking actions as indicated

Resolution: motion to adopt agenda taking actions as indicated

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Not Present at Vote: Max Tracy

Action (Consent), Communication, Information: 2.02 Communication: C/T Office, re: Catering Log

Resolution: waive the reading, accept the communication and place it on file



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motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Not Present at Vote: Max Tracy

Action (Consent), Information: 2.03 Outside Consumption Permit Application (two days only): Hotel Vermont, 41 Cherry Street

Resolution: approve two day only outside consumption permit application for Hotel Vermont, 41 Cherry Street: February 5 and 6, 2016, 5 pm - 10 pm, Ice Bar

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Not Present at Vote: Max Tracy

Action (Consent), Communication, Information: 2.04 Communication: State of Vermont Liquor Control Board, re: Vermont Brewers Association

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Not Present at Vote: Max Tracy

Action (Consent), Information: 2.05 Communication: State of Vermont, DLC, re: Rite Aid #10317, Letter of Warning, Underage alcohol sale





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Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Not Present at Vote: Max Tracy

Action (Consent), Communication, Information: 2.06 Communication: State of Vermont, Vermont Liquor Control Board, re: Zero Gravity

Resolution: waive the reading, accept the communication and place it on file

motion to amend/adopt agenda taking actions as indicated

Motion by Adam Roof, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres

Not Present at Vote: Max Tracy

3. Discussion: Zen Lounge

Action, Discussion: 3.01 Discussion: Zen Lounge, 165 Church Street

Andrew Manitsky

- Zen Lounge is on same side as downtown and City to have it the safest place possible

- Will do anything to prevent issues from re-occurring.

- Installed 16 camera systems of which 12 are working. (Matt Gonyo, DLC believed were good)

- Recently began detecting with a wand at the door.

- Want to precede in a way to maximize safety and best relationship with the City.

TA, AR, MT

- What happens if they find weapon on someone with the wand.

- Has there been any incidents since and have they worked with staff.

- How has Zen Lounge cooperated with past investigations?

- How in past Zen Lounge contacted officers and how will this change in future.

- Has staff been trained for altercations or illegal issues that can occur?

- What happened with incident outside of location where staff escorted patron out.

- Broader view, if they been seeing patterns.

- Issues from opiates crisis.

AM





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• Rule, if patrons have a weapon they are not let in.

• One incident a patron had a side arm, staff approached either to have them surrender or leave.

• Past investigations they didn't understand full regulations and it was a misfortunate understanding.

• Staff has been trained if any altercations or illegal issues happen they contact police.

• Patron had issue with DJ was escorted out, two staff members dealt with him, he pulled gun out, police were called.

• Certain events like hip hop has brought in undesirable crowds. With this there will be no more hip hop events.

• More people are coming to the City as they are finding markets to sell drugs here.

LT Glynn

• Early January 2015, death of man came from Zen Lounge, Zen declined giving videos;

• January 6 received warrant, officers went to bar, owner did not open until door was off hinges;

• 3/14/15 stolen vehicle, driver came from Zen Lounge, owner tried hiding video from police;

• 6/2015 stabbing occurred in Zen Lounge owner stated cameras were not working;

• 8/2015 assault and robbery occurred, cameras again were down;

• 12/18/15 aggravated assault, guy threatened to shoot a bouncer with gun in waist band;

• Another incident an under 21 year old was denied, later let in. Bouncer placed in choke hold and threw him down stairs. Again cameras not working;

• DVR was seized and examined, system was working properly but camera bank had 8 cameras plugged into which should have been only 4;

• Homicide started in Zen Lounge, owner first stated victim was not there but after DLC requested receipts he stated the person could have been in there;

• 154 incidents with address at 165 Church Street in last year.

o Many bar compliance checks;

o Staff failed to notify police or patron was intoxicated.

• Bar owners should know rules and regulations.

AR, MT

• In LT opinion how does Zen Lounge compare to other establishments.

• Questioned if there has been shift in culture and pasteurizing.

• In LT opinion if license revoked will this end the issues.

LT Glynn

• Own opinion Zen Lounge been problematic in past year and half. Don't respond well to assurance, revocation of licenses work better for public safety and other establishments. Revocation put people in check. Seen in past with rezoning and revocation and it works.

• Periodically see different crowds pasteurizing different establishments. When Venue closed crowd shifted down town and which bars they went to. Problems with drug deals.

• Revocation would depend on issues ending as it does with how well bars follow rules.

• Zen Lounge owner needs to be cooperative not wait until DLC starts requesting.

• Cooperate with compliance checks needed, if there is violation they record incident or pull owner to side and let them know.

MT, TA

• If patterns merges police need to let board know.

• After the shooting incident the new papers reported about a lot of incidents that have occurred at Zen Lounge in the past year that the board did not know about.

• How do police conduct investigations and what constitutes as in cooperation.

• Does License Committee have ability to oppose on the use of video in establishments? (to Attorney Gregg Meyer)

LT Glynn

• Videos are always nice to have, despite personal feeling it should be mandatory in a liquor establishment. If they don't have this they question people which occasionally withhold information for variety of reasons.

GM





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• If in agreement of parties an addition can be imposed by stipulations, but need to look into further.

Owner

• What would police like to see from Zen Lounge.

LT Glynn

• Culture change, can talk about retraining and more stipulation but culture needs to change. Recommendation is to revoke.

Matt Gonyo

• Worked closely with licensed establishment for two years, also with the board and BPD.

• Great concern is public safety. Has done a lot of research and work regarding history and ongoing investigations. Serious concerns with the establishment, if allowed to continue how will this affect safety.

• 30 inspections at this establishment, more than the typical number done. Working on ways to reduce these amounts of incidents. Special adjustments to deviate the behavior.

• Approximately 66 cases for this particular establishment:

o Public complaints, ongoing investigations, connections to homicide investigation, aggravated assault, robberies, failing to cooperate with law enforcement, intoxicated patrons, disorderly conduct, disturbances, minors consuming alcohol, third party to DUI investigation, over capacity, fights on premises, trespassing issues regarding intoxicated patrons, vandalism, licensee calling police department to deal with issues.

• Need better communication between DLC and BPD. Serious clintal problem, current model not working.

• Suggestions:

o Camera system, actively working and records available to law enforcement at all times. Asked that consider getting cabaret training. Force issue between staff and patrons. Recommend annual review, sit down and go over any calls of service of violation with License Board, BPD and DLC. Owner needs come up with incident report process and policy of procedures.

• Yellow Card History

o 3 documented incidents, failure to cooperate with Detectives homicide investigation, over capacity, and warning failure to produce records to BPD in investigation to a DUI. Liquor Control Board dismissed the produce records but upheld the other two. The yellow card helps make decisions for community issues. Three ongoing investigations currently are public safety related.

• Communication with Licensee

o BPD or DLC finds issues they need to be investigated, depending on the nature and issue he informs licensee and explains the issue. He gets documentation and records, evidence gathering and witness statements. This is to determine if warning or fine is issued. LC Board for consequences, need good working relationship to stop these occurrences from reoccurring. No position on what action to take.

Owner

• Some facts are true, explanation of yellow cards is given, stating two were dismissed. Committed to keep business running.

• Agrees cultural change is needed. Will work with many entertainment options. Moving forward will not book certain shows and now they have cameras everywhere. Wand is being used on Friday and Saturdays and Wednesday and Thursday close early. But they are to stay open later they will use the Wand.

AR, MT, TA – Clearly stated on agenda as it is discussion to hear what all have to say. No action can be taken.

• Issues can be fixed through proper management

• Issues of miscommunication, lack of cooperation, unclear story lines, reality of violence

• Patterns that are being seen, asked to get answer from Owner, answer was clientele or people coming here. Direct connect between clientele change and from BPD culture change.

• Bars over 20 years have not had these issues. This is a public safety problem.

• As committee needs more communication with BPD. Continue to pursue these issues.

• Reconvene at next meeting for purpose to additional restrictions on present license, up to revocation.





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4. Adjournment

Action, Procedural: 4.01 Motion to adjourn
motion to adjourn at 6:08 PM

Motion by Adam Roof, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Adam Roof, Tom Ayres, Max Tracy