

The stated Working Session of the Board of Commissioners of the Township of Abington was held on Thursday, November 14, 2024 via webinar and in-person at the Township Administration Building, Abington, PA, with President Hecker presiding.

CALL TO ORDER: 7:37 p.m.

PRESENT: Commissioners BRODSKY, ROTHMAN, DiPLACIDO, BROWNE, WINEGRAD, HENRY, ZAPPONE, YOUNG-GERTZ, SPIEGELMAN, SCHREIBER, BOWMAN, VAHEY, HECKER
Excused: LANEY-MARTIN, BOLE

Also Present: Assistant Township Manager Wehmeyer
Assistant Legal Counsel Gallagher

CONSIDER APPROVAL OF MINUTES:

President Hecker made a MOTION, seconded by Commissioner Spiegelman to approve the minutes from the Working Session of October 10, 2024.

MOTION was ADOPTED 13-0.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

The following agenda items were addressed by Mr. Mike Jones, Director of Public Works.

Review an ordinance amending the code of the Township of Abington to repeal Chapter 127 – “Recycling.”

Review an Ordinance amending Chapter 92- "Garbage, Storage and Refuse," Article VII "Separation, Storage, and Collection of Recyclable Materials," at Section 92-40 - "Definitions," Section 92-41 - "Residential Separation and Preparation Requirements," Section 92-42 "Collection from Residence," and Section 92-44 - "Multifamily, Commercial, Retail and Institutional Requirements."

Mr. Jones said agenda Items a. and b. came from a review by the DEP relating to the grant that was received. After reviewing our ordinances, we realized they did not include recycling at community events, so this amendment would be added to the ordinance. The repeal is an old chapter relating to newspaper recycling in which bins are now provided along with a few other options and that would be an amendment to Chapter 92, which has been in place since 2008.

President Hecker clarified that this is just a cleanup to reflect common practice, and both items will appear on the agenda of the voting meeting in December. Is that correct?

Mr. Jones replied that is correct.

President Hecker asked for any comments from Commissioners. There were none.

Consider a cable franchise agreement between the Township of Abington and Verizon Pennsylvania, LLC.

Mr. Phil Fraga, Attorney with Cohen Law Group, said we provided the final agreement, an executive summary in the form of a resolution, and an HD (high definition) letter in which this is a 5-year cable franchise agreement between the Township and Verizon Pennsylvania, LLC.

This agreement addresses franchise fees, customer service standards, reporting and records requirements, a capital grant, and enforcement and termination among other items related to Verizon's cable operations in the Township.

President Hecker asked for any comments from Commissioners. There were none.

President Hecker said this agenda item will appear on the voting meeting in December.

Review and consider authorizing an Ordinance establishing regulations for vape shops:

Ms. Gallagher said there are several municipalities throughout Montgomery and Bucks that have begun enacting ordinances regulating the location of vape shops. There are things the Township could do that would withstand scrutiny such as include the term “vape shop” in the definition of tobacco store or smoke shop; place reasonable restrictions on the hours of operation; require stores to adhere to parking standards as well as require increased ventilation standards, none of which are currently in existing Township ordinances, and no vape shop to-date has had to comply with any of those standards.

President Hecker asked what ordinance would this be included in?

Ms. Gallagher replied the zoning ordinance.

President Hecker asked for any comments from Commissioners.

Commissioner Schreiber said Haverford Township was the first to enact an ordinance and then Upper Moreland, so are they the same, and if not, what are the differences. Also, how far from a school could a vape shop be located?

Ms. Gallagher replied that restriction could be vulnerable, and we do not recommend including that in this draft ordinance.

Commissioner Schreiber questioned whether those ordinances include limiting the number of vape shops.

Ms. Gallagher replied that could also create a vulnerability. The four items listed are most likely to withstand scrutiny from the courts and we will continue to observe any challenges in the courts rather than being the one who is being challenged.

Commissioner Henry said she is happy this is being discussed as there is absolute saturation, and this would be grandfathered in. Is that correct?

Ms. Gallagher replied that is correct.

Commissioner Rothman asked about restricting the location of a vape shop unless there is a certain amount of parking.

Ms. Gallagher replied any use that is proposed for an existing structure needs to make sure it can accommodate that use. Once we create the vape shop as a separate use, we can review the parking counts.

President Hecker asked how would this ordinance impact gas/convenient stores?

Ms. Gallagher replied a convenient store is a separately defined use; however, if an application was approved as a convenient store and then later determined that it is actually a vape store, they would need to comply with the regulations.

Commissioner Schreiber asked about a lighting requirement for a vape shop.

Ms. Gallagher replied the Township has regulations for lighting, and lighting for a vape shop would dovetail with the hours of operation, although it would be something we could add if there are lighting issues.

Commissioner Young-Gertz asked about restrictions on hours of operation.

Ms. Gallagher replied it would be held to reasonable standards, and we will take a survey of what other municipalities have done in Pennsylvania as well as outside the area.

President Hecker asked for the timeframe of the draft ordinance.

Ms. Gallagher replied we will have a draft by January.

Commissioner Browne questioned whether we could combine limiting the hours of operation with the proximity of a school.

Ms. Gallagher replied we will look into it; however, proximity to a school may be more difficult to enforce.

President Hecker asked for any public comment on agenda items.

Adele Kubel, resident, commented that cigarette butts are worse for the environment, way worse than bags. It takes 10 years for cigarette butts to disappear, and the plastic chemicals stay in the environment for many years, and they come from these stores. We must have 30 vape shops and there should be a limit, and they are not what we need. We should be encouraging other stores such as vintage and antique stores, and WAWA is a tobacco emporium making their money by selling gas and tobacco products.

Lora Lehmann, resident, expressed concern that Verizon should not be able to come to a meeting without residents having an opportunity to tell them what problems they are having with their service, and how do we get Verizon to stop putting commercials all over the screen and in the middle of her show.

ADJOURNMENT: 8:07 p.m.

Respectfully submitted,

Liz Vile, Minutes Secretary