



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
HOUSE LOCAL GOVERNMENT COMMITTEE**

ON

HB 955

PRESENTED BY

**JOE GERDES
DIRECTOR OF GOVERNMENT RELATIONS**

**MAY 26, 2021
HARRISBURG, PA**

Chairman Knowles and members of the House Local Government Committee:

My name is Joe Gerdes and I am the director of government relations for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to provide comments on behalf of our member townships.

The Association represents Pennsylvania's 1,454 townships of the second class and is committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Townships of the second class cover 95% of Pennsylvania's land mass and represent more residents — 5.5 million Pennsylvanians — than any other type of political subdivision in the commonwealth.

Legal advertising reform is a priority for our membership. PSATS policy supports any proposal for legal advertising that would, most importantly, improve access to legal notices, AND at a reduced cost to local governments. This includes advertising on local government websites and in community papers of mass dissemination, while providing townships with the flexibility to determine which options will best provide information to their residents, businesses, and potential vendors. We support HB 955, which clearly meets these objectives and will promote competition and transparency.

Townships are required to publish legal advertisements for public meetings, ordinances, the budget, annual financial reports, requests for bids for the purchase of supplies, services, or construction; the sale of real or personal property; and any proceeding requiring public notification in accordance with the Pennsylvania Municipalities Planning Code. The required advertisements are intended to inform the public of the proposed actions of the municipality and promote open government. As a result of decreasing circulation, newspaper advertisements are no longer an effective way to provide public notice to residents. The time and expense required could be better spent on more timely methods that taxpayers have a better chance of seeing.

Legal notices are expensive. Townships shell out hundreds to tens of thousands of dollars annually to newspapers of general circulation to comply with antiquated public notice requirements. These requirements can add a premium of \$300 to \$700 to any project requiring public notice. Recently, our members have reported that newspapers are adding additional fees for "voluntary" add-ons, such as electronic publication, as well as proof of publication. A township in Butler County found that newspapers are selling their bid advertisements to construction websites and wonders why the township can't receive these revenues.

According to a 2006 report by Penn State University-Harrisburg, *Cost Savings on Mandatory Legal Advertising by Local Government Entities*, townships of the second class spent an estimated \$3.5 million annually on legal advertisements. In 2011, PSATS surveyed our membership on legal advertising costs and found that this number had risen to over \$4 million.

While our members gripe about the cost of legal advertisements, their larger concern is that legal advertisements in print newspapers are not an effective method for communicating with their residents. Our members report that few households subscribe. For example, Tyrone Township, Adams County found that approximately 2% of their households subscribe, while

Worcester Township, Montgomery County found that only 48 of 3,200 households subscribe to the print edition.

In addition, papers publish less frequently but often with longer publication deadlines, often three days or more. This makes it difficult to place time sensitive advertisements and deadlines appear to force publication in more expensive editions. A township in Dauphin County notes that challenging deadlines can force the use of more expensive newspapers and editions due to the lack of a daily paper, which can increase the cost of land use hearings. Our members note that posting notices on websites and bulletin boards is timely and effective. After the time, effort, and expense of placing a notice, township officials are frustrated that no one sees it.

While the intent of these advertisements is transparency, which PSATS strongly supports, newspapers of general circulation are not free. Instead, paid subscriptions for print and electronic access are required to access many legal notices. Our members tell us that most residents are not purchasing print newspapers or electronic access due to the high costs. It makes no sense to require residents and taxpayers to pay for access to legal notices when they could be made available electronically or through other means that are free-of-charge.

Even when newspapers provide free online access to legal notices, the public is unlikely to look at public notice websites to find information about their community. Instead, residents look for news about their township where you would expect it – on the township’s website, social media pages, and newsletters. This is where they go for information about community events, police service, trash and recycling service, road construction projects, meeting dates and times, and much more. Many townships post public notices on their websites because they are open and accessible, even though they are not required by law to do so.

Long gone are the days when newspapers published twice a day and were the source of news in the locality and around the world. Few newspapers print even once per day and most are much less frequent. In some rural communities, the local newspaper isn’t available for subscription or even purchase within the municipality.

It is common knowledge that newspaper subscriptions and readership have been in decline for years. A 2018 survey by Pew Research Center confirms that Americans express a clear preference for getting their news on a screen – TV (41%) and online sources (37%) are preferred by a combined 78% of Americans. Print news sources are preferred by only 13% of Americans.

We sincerely believe that each township needs to have the flexibility HB 955 would provide to determine the most effective public notice method, which may vary based on the audience for that public notice. This menu of options is far superior to the current mandate to use legal advertisements in a print newspaper of general circulation. In addition, we believe that HB 955 would create competition for legal advertisements that could lead to lower prices, saving taxpayers money.

Thank you for the opportunity to comment today. I will now attempt to answer any questions that you may have.

Township Legal Advertising Stories

Letterkenny Township, Franklin County notes that advertising in the newspaper is not effective and they simply don't find that residents hear about an issue through the newspaper. If the township wants to communicate with their residents, they do it through their website and annual printed newsletter. They maintain a bidding list of interested vendors and send a bid packet when advertising for proposals. In nine years, only bidders on the list have submitted bids.

Newlin Township, Chester County would like the option of being able to reach out to their residents in a faster, less expensive way, which they feel would be seen by more residents than the newspaper. They note that technology allows an electronic option, but it is not permitted by law.

Upper Mount Bethel Township, Northampton County noted that they went to great lengths prior to the pandemic to reduce advertising costs. During the pandemic, residents naturally started to seek out information from the township's website and Facebook page. The township scrutinizes what information it provides on both sites. Because they do not have a large circulation local newspaper, it is not effective any longer and the cost is very high.

Worth Township, Butler County notes that legal advertisements in newspapers are a waste of money. In addition, they found that the local newspaper regularly sells their legal ads to construction websites, leading to additional requests for bid documents. The township wonders why they can't sell the ads to the construction website.