

ATTESTATION ENGAGEMENT

Township of Hampden
Cumberland County, Pennsylvania
21-103
Liquid Fuels Tax Fund
For the Period
January 1, 2012 to December 31, 2014

October 2015



Commonwealth of Pennsylvania
Department of the Auditor General
Eugene A. DePasquale • Auditor General



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EUGENE A. DEPASQUALE
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Leslie Richards
Secretary
Department of Transportation
Harrisburg, PA 17120

We examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Township of Hampden, Cumberland County, for the period January 1, 2012 to December 31, 2014. The municipality's management is responsible for the Forms MS-965. Our responsibility is to express an opinion on the Forms MS-965 With Adjustments based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. An examination includes examining, on a test basis, evidence supporting the Township of Hampden, Cumberland County's Forms MS-965 for the period January 1, 2012 to December 31, 2014 and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are mandated by Section 403 of *The Fiscal Code*, 72 P.S. § 403, to audit each municipality's Liquid Fuels Tax Fund to ensure that funds received are expended in accordance with applicable laws and regulations. *Government Auditing Standards* issued by the Comptroller General of the United States include attestation engagements as a separate type of audit. An attestation engagement performed pursuant to *Government Auditing Standards* involves additional standards that exceed the standards provided by the American Institute of Certified Public Accountants. Accordingly, this attestation engagement complies with both *Government Auditing Standards* and Section 403 of *The Fiscal Code*.

As described in Note 4, the adjustments included on the Forms MS-965 With Adjustments are made by the Department of the Auditor General.

Independent Auditor's Report (Continued)

As discussed in the Finding and Recommendations section of this report, the township expended \$217,711.38 from the Liquid Fuels Tax Fund for payments towards a loan for a project that was discontinued.

In our opinion, except for the matter discussed in the preceding paragraph, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Township of Hampden, Cumberland County, for the period January 1, 2012 to December 31, 2014, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that have a material effect on the Forms MS-965; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the Forms MS-965. We are also required to obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. We performed our examination to express an opinion on whether the Forms MS-965 are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over reporting on the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Forms MS-965 will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over reporting on the Forms MS-965 was for the limited purpose of expressing an opinion on whether the Forms MS-965 are presented in accordance with the criteria described above and would not necessarily identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our engagement we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Township of Hampden, Cumberland County's compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of amounts on the Forms MS-965. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed the following instance of noncompliance that is required to be reported under *Government Auditing Standards*:

- Liquid Fuels Money Expended For A Discontinued Project.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the Township of Hampden, Cumberland County, and is not intended to be and should not be used by anyone other than these specified parties.

We appreciate the courtesy extended by the Township of Hampden, Cumberland County, to us during the course of our examination. If you have any questions, please feel free to contact Michael B. Kashishian, CPA, CGAP, CFE, Director, Bureau of County Audits, at 717-787-1363.



Eugene A. DePasquale
Auditor General

September 2, 2015

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TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Background

The Liquid Fuels Tax Municipal Allocation Law, Title 72 P.S. § 2615.5, provides municipalities other than counties (townships, boroughs, cities, towns, home rule, and optional plan governments) with an annual allocation of liquid fuels taxes from the state's Motor License Fund to be used for the maintenance and repair of streets, roads, and bridges for which the municipality is responsible. The allocation of these funds to municipalities is based: (1) 50 percent on the municipality's proportion of local road mileage to the total local road mileage in the state, and (2) 50 percent on the proportion of a municipality's population to the total population in the state.

The Vehicle Code, Title 75 P.S. § 9511, provides municipalities with annual maintenance payments to be received from the Motor License Fund for functionally local highways that were transferred to a municipality from the Commonwealth of Pennsylvania.

Each municipality must deposit the Liquid Fuels Tax Fund money and annual maintenance payments that it receives into a special fund called the Municipal Liquid Fuels Tax Fund or State Fund. A municipality may not deposit any other monies into this fund except when the municipality does not have enough money in the special fund to meet the payments called for by its current annual budget for road and bridge purposes. In this case, the municipality may borrow money or transfer money from its General Fund to its Liquid Fuels Tax Fund.

The Department of Transportation has been given the regulatory authority for the administration of these funds. To qualify for its annual allocation, each municipality shall submit the following documents and information to the Department of Transportation:

1. Evidence that the treasurer is bonded in accordance with the law, or that its treasurer is a bank requiring no bond by January 31 of each year.
2. A report indicating the manner in which its liquid fuels tax allocation was expended in the previous year (Form MS-965) by January 31 of each year.
3. A report of elected and appointed officials by January 31 of each year.
4. A Survey of Financial Condition by March 15 of each year.

Department of Transportation *Publication 9* contains the policies and procedures that govern the use of Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

TOWNSHIP OF HAMPDEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2012 FORM MS-965 – SECTION 1
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 6,997.70	\$ -	\$ 6,997.70
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	331.02	-	331.02
Street lighting	406,317.64	(410.95)	405,906.69
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Finding)	<u>1,804,417.75</u>	<u>87,879.38</u>	<u>1,892,297.13</u>
Total (To Section 2, Line 5)	<u>\$ 2,218,064.11</u>	<u>\$ 87,468.43</u>	<u>\$ 2,305,532.54</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2012 FORM MS-965 – SECTION 2
 WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2012	\$ 1,654,243.92	\$ 92,017.22	\$ 1,746,261.14
Receipts:			
2. State allocation	617,295.20	-	617,295.20
2a. Turnback allocation	6,600.00	-	6,600.00
2b. Interest on investments (Note 3)	5,568.04	-	5,568.04
2c. Miscellaneous	-	-	-
3. Total receipts	<u>629,463.24</u>	<u>-</u>	<u>629,463.24</u>
4. Total funds available	<u>2,283,707.16</u>	<u>92,017.22</u>	<u>2,375,724.38</u>
5. Expenditures (Section 1)	<u>2,218,064.11</u>	<u>87,468.43</u>	<u>2,305,532.54</u>
6. Balance, December 31, 2012	<u>\$ 65,643.05</u>	<u>\$ 4,548.79</u>	<u>\$ 70,191.84</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2012 FORM MS-965 – SECTION 3
 WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Note 4)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 220,400.24	\$ 6,654.50	\$ 227,054.74
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	124,779.04	-	124,779.04
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	345,179.28	6,654.50	351,833.78
5. Less: Major equipment expenditures	<u>6,997.70</u>	<u>-</u>	<u>6,997.70</u>
6. Remainder	<u>338,181.58</u>	<u>6,654.50</u>	<u>344,836.08</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 65,643.05</u>	<u>\$ 4,548.79</u>	<u>\$ 70,191.84</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
2013 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 70,681.40	\$ -	\$ 70,681.40
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	10,327.49	-	10,327.49
Street lighting	409,369.53	-	409,369.53
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	39,423.70	-	39,423.70
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 529,802.12</u>	<u>\$ -</u>	<u>\$ 529,802.12</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2013 FORM MS-965 – SECTION 2
 WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2013	\$ 70,191.84	\$ -	\$ 70,191.84
Receipts:			
2. State allocation	607,266.40	-	607,266.40
2a. Turnback allocation	6,600.00	-	6,600.00
2b. Interest on investments (Note 3)	638.94	-	638.94
2c. Miscellaneous	-	-	-
3. Total receipts	<u>614,505.34</u>	<u>-</u>	<u>614,505.34</u>
4. Total funds available	<u>684,697.18</u>	<u>-</u>	<u>684,697.18</u>
5. Expenditures (Section 1)	<u>529,802.12</u>	<u>-</u>	<u>529,802.12</u>
6. Balance, December 31, 2013	<u><u>\$ 154,895.06</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 154,895.06</u></u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2013 FORM MS-965 – SECTION 3
 WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 70,191.84	\$ -	\$ 70,191.84
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	122,773.28	-	122,773.28
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	192,965.12	-	192,965.12
5. Less: Major equipment expenditures	70,681.40	-	70,681.40
6. Remainder	<u>122,283.72</u>	<u>-</u>	<u>122,283.72</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 122,283.72</u>	<u>\$ -</u>	<u>\$ 122,283.72</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2014 FORM MS-965 – SECTION 1
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	135,517.38	-	135,517.38
Traffic control devices	-	-	-
Street lighting	408,073.21	-	408,073.21
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	8,948.12	-	8,948.12
Highway construction and rebuilding projects	125,000.00	-	125,000.00
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 677,538.71</u>	<u>\$ -</u>	<u>\$ 677,538.71</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 2014 FORM MS-965 – SECTION 2
 WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2014	\$ 154,895.06	\$ -	\$ 154,895.06
Receipts:			
2. State allocation	654,375.96	-	654,375.96
2a. Turnback allocation	6,600.00	-	6,600.00
2b. Interest on investments (Note 3)	863.53	-	863.53
2c. Miscellaneous	-	-	-
3. Total receipts	<u>661,839.49</u>	<u>-</u>	<u>661,839.49</u>
4. Total funds available	<u>816,734.55</u>	<u>-</u>	<u>816,734.55</u>
5. Expenditures (Section 1)	<u>677,538.71</u>	<u>-</u>	<u>677,538.71</u>
6. Balance, December 31, 2014	<u><u>\$ 139,195.84</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 139,195.84</u></u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
2014 FORM MS-965 – SECTION 3
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 122,283.72	\$ -	\$ 122,283.72
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	132,195.19	-	132,195.19
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	254,478.91	-	254,478.91
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>254,478.91</u>	<u>-</u>	<u>254,478.91</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 139,195.84</u>	<u>\$ -</u>	<u>\$ 139,195.84</u>

Notes to Forms MS-965 With Adjustments are an integral part of this report.

TOWNSHIP OF HAMPDEN
 CUMBERLAND COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS
 FOR THE PERIOD
 JANUARY 1, 2012 TO DECEMBER 31, 2014

1. Criteria

Section 1

This section of Form MS-965 With Adjustments provides a summary of Liquid Fuels Tax Fund expenditures by category. Categories requiring explanation include:

- Major equipment purchases are purchases of road machinery and road equipment with varying yearly costs in excess of the amounts indicated below:

Prior To 2012	2012	2013	2014
\$4,000.00	\$10,000.00	\$10,200.00	\$10,300.00

- Minor equipment purchases are purchases of road machinery and road equipment with varying yearly costs, or less, than the amounts indicated below:

Prior To 2012	2012	2013	2014
\$4,000.00	\$10,000.00	\$10,200.00	\$10,300.00

- Agility projects are exchanges of services with the Department of Transportation.

Section 2

This section of Form MS-965 With Adjustments provides information on the fund balance. Categories requiring explanation include:

- The state allocation is generally received from the Department of Transportation during the first week in April of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation is generally received from the Department of Transportation during the first week in April of each year. A municipality receives a yearly turnback allocation based on road mileage for all roads that were transferred to the municipality from the Commonwealth of Pennsylvania through the Highway Transfer Program.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

1. Criteria (Continued)

Section 2 (Continued)

- Expenditures include the total transferred from Section 1.

Section 3

This section of Form MS-965 With Adjustments determines if the municipality expended Liquid Fuels Tax Fund money in excess of the permissible amount for equipment and the balance that the municipality may carry forward for the purchase of equipment to the subsequent year.

Department of Transportation *Publication 9* requires that the amount expended for equipment purchases in a given year not exceed the sum of the equipment balance carried forward from the previous year and 20 percent of the current year's Liquid Fuels Tax Fund allocation and, if applicable, 20 percent of the turnback allocation plus other Department of Transportation approved adjustments.

If the municipality spent in excess of the amount listed on Line 4, the excess must be reimbursed to the Liquid Fuels Tax Fund.

The equipment balance to be carried forward for the subsequent year is the lesser of the amount on Line 6 or the ending fund balance on Line 6 of Section 2, but not less than zero.

Basis Of Presentation

The financial activities of the municipality are accounted for in separate funds. The Liquid Fuels Tax Fund is used to account for state aid revenues from the Pennsylvania Department of Transportation used primarily for building and improving local roads and bridges. The Forms MS-965 have been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of the Fuels Tax Act 655, dated 1956 and as amended, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance. Accordingly, the presentation of Forms MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

1. Criteria (Continued)

Basis Of Accounting

The accompanying Forms MS-965 With Adjustments are prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation. Under this method, revenues are recognized when received and expenditures are recorded when paid.

General Fixed Assets

General fixed assets are recognized as expenditures at the time of purchase. No depreciation has been provided on the heavy equipment used to maintain and repair roads and bridges.

2. Deposits

The First Class Township Code, Title 53 P.S. § 56705.1, authorizes the township to deposit its funds in the following:

- Deposits in savings accounts or time deposits, other than certificates of deposit or share accounts of institutions having their principal place of business in the Commonwealth of Pennsylvania and insured by the Federal Deposit Insurance Corporation (FDIC) or other like insurance. For any amount above the insured maximum, the depository shall pledge approved collateral.
- Certificates of deposit purchased from institutions insured by the FDIC or other like insurance to the extent that such accounts are so insured. For any amounts in excess of the insured maximum, such deposits shall be collateralized by a pledge or assignment of assets. Certificates of deposit may not exceed 20 percent of a bank's total capital surplus or 20 percent of a savings and loan or savings bank's assets minus liabilities.

Deposits consist of receipts and deposits in a financial institution. Pennsylvania statutes require all deposits to be insured and, for any amount above the insured maximum, to be secured with approved collateral as defined.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

2. Deposits (Continued)

There were no deposits exposed to custodial credit risk as of December 31, 2014. Custodial credit risk, as defined by GASB No. 40, includes deposits that are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution's trust department or agent but not in the municipality's name.

Fund Balance

The fund balance as of December 31, 2014 consists of the following:

Cash	\$139,195.84
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in an interest-bearing account which earned \$5,568.04 during 2012, \$638.94 during 2013, and \$863.53 during 2014, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2012 - Section 1

An adjustment of \$(410.95) was made to "Street lighting" because check No. 18342 for \$35,196.18, which was issued in 2012, was incorrectly reported as an expenditure in 2011. Additionally, check No. 20594 for \$35,607.13, which was issued in 2013, was incorrectly reported as an expenditure in 2012.

An adjustment of \$87,879.38 was made to "Miscellaneous" because check No. 18336 was not reported.

2012 - Section 2

An adjustment of \$92,017.22 was made to "Balance, January 1, 2012" because of prior report adjustments that were not carried forward in the fund balance.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

4. Adjustments (Continued)

2012 - Section 3

An adjustment of \$6,654.50 was made to “Prior year equipment balance” because of prior report adjustments that were not carried forward in the equipment balance.

5. Bank Loan

On December 17, 2008, the municipality entered into an agreement with Manufactures and Traders Trust Company to borrow \$3,000,000.00. The proceeds of the loan were to be used for various capital projects including the purchase of street light infrastructure within the township from PP&L. As of December 31, 2010, \$1,325,414.25 had been expended for the street light infrastructure. The remaining \$1,674,585.75 was deposited into the municipality’s Liquid Fuels Tax Fund on April 1, 2011. This amount was transferred to the General Fund on November 19, 2012. The term of the loan was for a non-revolving drawdown line of credit for two years with a fixed rate for the first year of 3.3995% and with the rest reset for the second year of the drawdown and payable as monthly interest payments only. At the end of the two year drawdown period, the interest rate on the outstanding principal balance is fixed for five year increments until the note is fully amortized for a total of 20 years. The maximum for interest rate is 5.25%. Prior years’ principal and interest payments from the Liquid Fuels Tax Fund were \$121,049.96 and 125,892.96, respectively.

During the current examination period the municipality paid principal and interest payments of \$217,711.38 from the Liquid Fuels Tax Fund. This amount and the amount transferred to the General Fund are reflected in miscellaneous expenditures on the 2012 Forms MS-965 - Section 1. Because this project was discontinued during 2011, the municipality should not have made payment on the loan from the Liquid Fuels Tax Fund during 2012 (see Finding).

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding – Liquid Fuels Money Expended For A Discontinued Project

Our examination disclosed that on December 17, 2008, the municipality entered in an agreement with Manufacturers and Traders Trust Company to borrow \$3,000,000.00 to be used for various capital projects including purchase of street light infrastructure within the township from PP&L. However, the contract to purchase the street lights was never completed. As of December 31, 2010, the municipality had expended loan proceeds of \$1,325,414.25 toward the project. On April 1, 2011, the municipality deposited the remaining loan proceeds of \$1,674,585.75 into the Liquid Fuels Tax Fund. The municipality transferred the \$1,674,585.75 to the General Fund on November 19, 2012.

During 2011 the municipality became aware that the project was not viable and should not have made any future payments from the Liquid Fuels Tax Fund. However, the municipality paid principal and interest payments of \$87,879.38 on January 19, 2012 and \$129,832.00 on June 6, 2012, from the Liquid Fuels Tax Fund.

Because the municipalities made payments on a project that was discontinued, the municipality may have to reimburse \$217,711.38 to its Liquid Fuels Tax Fund.

During 2013 and 2014 the township did not make any payments on the loan from the Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$217,711.38 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the municipality comply with the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations regarding permissible expenditures.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding – Liquid Fuels Money Expended For A Discontinued Project (Continued)

Management’s Response

The municipal officials stated:

Hampden Township acknowledges the finding that was provided by the Department of the Auditor General; however, the township did not intentionally or knowingly expend State Aid funds on non-permissible expenditures during the 2012-2014 audit period and the elements section of this finding do not present the condition that precipitated this finding.

For the record, in 2009, the Hampden Township Board of Commissioners approved and entered into a Guaranteed Turnkey Performance Agreement with a contractor for the purpose of providing services for the acquisition of the street lighting system within the township. The contractor was retained by the township to negotiate the purchase of streetlights from PPL which would provide an opportunity for energy savings and cost reductions to the township’s budget.

Once the streetlights were acquired by the township, Hampden anticipated additional action to install energy efficient lamp fixtures to further create a cost savings for utilities associated with the streetlights in accordance with the terms of our agreement with contractor. As you are fully aware, payment of utilities associated with streetlights in the township is a permissible expense under State Aid requirements.

Due to no fault of Hampden Township, the terms and conditions of the Guaranteed Turnkey Performance Agreement with the contractor were not met because the contractor failed to meet the obligation of the agreement. Since 2011, Hampden Township has actively pursued legal action against the contractor, and its principals, in order to receive full restitution for any payments made to them which resulted in the lack of acquisition of the streetlights. Once the township is successful in receiving restitution from the contractor, or its principals, it will reimburse the State Aid account the amount paid for the failed project.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Finding – Liquid Fuels Money Expended For A Discontinued Project (Continued)

Auditor's Conclusion

When the municipality discontinued the project, it should have discontinued making loan payments from the Liquid Fuels Tax Fund. The Department of Transportation will determine if \$217,711.38 should be reimbursed to the Liquid Fuels Tax Fund. During our next examination we will determine if the municipality complied with our recommendations.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATION RECOMMENDATION
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

Summary Of Prior Examination Recommendation

In our prior report we recommended that the municipality ensure that its Form MS-965 are complete and accurate.

During our current examination we noted that the municipality complied with our recommendation.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

An exit conference was held June 11, 2015. Those participating were:

TOWNSHIP OF HAMPDEN

Ms. Terri L. Noll, Finance Director

Mr. Keith Metts, Township Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Ryan W. Shrauder, Auditor

The results of the examination were presented and discussed in their entirety.

TOWNSHIP OF HAMPDEN
CUMBERLAND COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2012 TO DECEMBER 31, 2014

This report was initially distributed to:

The Honorable Leslie Richards
Secretary
Department of Transportation

Township of Hampden
Cumberland County
230 South Sporting Hill Road
Mechanicsburg, PA 17050

The Honorable Albert Bienstock

President of the Board of Commissioners

Ms. Terri L. Noll

Finance Director

Mr. Keith Metts

Township Manager

This report is a matter of public record and is available online at www.PaAuditor.gov. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: news@PaAuditor.gov.