

ATTESTATION ENGAGEMENT

Township of Upper Pottsgrove

Montgomery County, Pennsylvania
46-114

Highway Transfer Program
Agreement No. 164305

For the Period
May 3, 2012 to September 11, 2013

November 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 have examined the accompanying Form MS-999 With Adjustments of the Highway Transfer Program - Turnback Account of the Township of Upper Pottsgrove, Montgomery County, for the period May 3, 2012 to September 11, 2013. The municipality's management is responsible for the Form MS-999. Our responsibility is to express an opinion on the Form MS-999 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 Upper Pottsgrove, Montgomery County's Form MS-999 for the period May 3, 2012 to September 11, 2013 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 Highway Transfer Program – Turnback Account 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 2, the adjustments included on the Form MS-999 With Adjustments are made by the Department of the Auditor General.

Independent Auditor's Report (Continued)

As discussed in the Finding and Recommendation section of this report, upon completion of this project in September 2013, the unexpended balance of \$35,045.55 was not transferred to the Liquid Fuels Tax Fund as required by Department of Transportation Regulations.

In our opinion, except for the matter discussed in the preceding paragraph, the Form MS-999 With Adjustments presents, in all material respects, the information required by the Pennsylvania Department of Transportation for the Highway Transfer Program - Turnback Account of the Township of Upper Pottsgrove, Montgomery County, for the period May 3, 2012 to September 11, 2013, 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 Form MS-999; 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 Form MS-999. 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 Form MS-999 is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over reporting on the Form MS-999 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 Form MS-999 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 Form MS-999 was for the limited purpose of expressing an opinion on whether the Form MS-999 is 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 Form MS-999 is free from material misstatement, we performed tests of the Township of Upper Pottsgrove, Montgomery 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 Form MS-999. 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*:

- Failure To Transfer The Unexpended Balance To The Liquid Fuels Tax Fund.

Our examination period reflects from the date the turnback funds were received by the Township of Upper Pottsgrove, Montgomery County, to the date the funds were either exhausted or the remaining funds were transferred to the township's Liquid Fuels Tax Fund. Upon the completion of the program the township filed a Final Completion Report Form MS-999 with the Department of Transportation. Our examination began shortly after we received the approved Final Completion Report Form MS-999 from the Department of Transportation.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the Township of Upper Pottsgrove, Montgomery 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 Upper Pottsgrove, Montgomery 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

October 8, 2015

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TOWNSHIP OF UPPER POTTS GROVE
MONTGOMERY COUNTY
HIGHWAY TRANSFER PROGRAM – TURNBACK ACCOUNT
BACKGROUND
FOR THE PERIOD
MAY 3, 2012 TO SEPTEMBER 11, 2013

Background

The Highway Transfer Program (more commonly known as the Highway Turnback Program) is outlined in Title 75 P.S. § 9511. It is designed to reduce the amount of state road mileage by transferring “functionally-local” roads on a cooperative, voluntary basis to local governments. When a municipality takes over a road through this program, the Department of Transportation and the municipality jointly determine the necessity and extent of any restoration or rehabilitative work required to put a state highway in satisfactory condition before it is transferred. The rehabilitative work may be done by the Department of Transportation, municipal forces, or be contracted out by either party.

If the restoration or rehabilitation is to be done by the municipality or a contractor hired by the municipality, the municipality receives funds for the work from the State Highway Transfer Restoration Restricted Receipt Account. These funds must be deposited into a separate interest-bearing Highway Transfer Account. Any funds not used for the restoration or rehabilitation of the road that was transferred to the municipality must be transferred to the township’s Liquid Fuels Tax Fund.

Department of Transportation *Publication 9* contains the policies and procedures that govern the use of Highway Transfer Program money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

TOWNSHIP OF UPPER POTTS GROVE
MONTGOMERY COUNTY
HIGHWAY TRANSFER PROGRAM – TURNBACK ACCOUNT
FORM MS-999 WITH ADJUSTMENTS
FOR THE PERIOD
MAY 3, 2012 TO SEPTEMBER 11, 2013

	Reported	Adjustments (Note 2)	Adjusted Amount
<u>Cash Receipts</u>			
Turnback grant	\$ 114,287.00	\$ (57,143.50)	\$ 57,143.50
Interest	-	-	-
Miscellaneous (Note 3)	-	57,643.50	57,643.50
 Total receipts	 \$ 114,287.00	 \$ 500.00	 \$ 114,787.00
 <u>Cash Disbursements</u>			
Highway construction and rebuilding	\$ 79,205.70	\$ (448.70)	\$ 78,757.00
Unexpended balance transfer	-	-	-
Miscellaneous (Note 4)	-	984.45	984.45
 Total disbursements	 \$ 79,205.70	 \$ 535.75	 \$ 79,741.45

Notes to Form MS-999 With Adjustments are an integral part of this report.

TOWNSHIP OF UPPER POTTS GROVE
MONTGOMERY COUNTY
HIGHWAY TRANSFER PROGRAM – TURNBACK ACCOUNT
NOTES TO FORM MS-999 WITH ADJUSTMENTS
FOR THE PERIOD
MAY 3, 2012 TO SEPTEMBER 11, 2013

1. Criteria

Form MS-999 With Adjustments provides a summary of Highway Transfer Program receipts and expenditures by category. Categories requiring explanation include:

- The Turnback Grant is the grant received from the Commonwealth of Pennsylvania to be used for the restoration or rehabilitation of the road or roads transferred from the state to the municipality.
- The Unexpended balance transfer is money that was not used for the restoration or rehabilitation of the road or roads transferred from the state to the municipality that was transferred to the municipality's Liquid Fuels Tax Fund upon completion of the project.

Basis Of Presentation

The financial activities of the municipality are accounted for in separate funds. The Highway Transfer Program, Act 32 of 1983 (also referred to as Road Turnback by the Department of Transportation), provides state funds to municipal governments for the costs of restoring state highways for which ownership is turned back to the municipal government. The turnback revenues are deposited in a separate turnback account. After the highway restoration work is completed, any unexpended funds are to be transferred to the Liquid Fuels Tax Fund.

The Form MS-999 has been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of Act 32 of 1983, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance.

Basis Of Accounting

The accompanying Form MS-999 With Adjustments is 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.

TOWNSHIP OF UPPER POTTS GROVE
MONTGOMERY COUNTY
HIGHWAY TRANSFER PROGRAM – TURNBACK ACCOUNT
NOTES TO FORM MS-999 WITH ADJUSTMENTS
FOR THE PERIOD
MAY 3, 2012 TO SEPTEMBER 11, 2013

1. Criteria (Continued)

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. Adjustments

An adjustment of \$(57,143.50) was made to “Turnback grant” because a miscellaneous receipt was misclassified.

An adjustment of \$57,643.50 was made to “Miscellaneous” because a receipt of \$57,143.50 was misclassified as a turnback grant and a transfer in error of \$500.00 was not reported.

An adjustment of \$(448.70) was made to “Highway construction and rebuilding” because these expenditures were overstated.

An adjustment of \$984.45 was made to “Miscellaneous” because these expenditures were not reported.

3. Miscellaneous Receipts

The following miscellaneous receipts were deposited into the Liquid Fuels Tax Fund Turnback Account during the examination period:

<u>Source</u>	<u>Description</u>	<u>Amount</u>
West Pottsgrove Township	Reimbursement for share of the turnback project	\$57,143.50
General Fund	Transfer in error (Note 5)	500.00
Total		<u><u>\$57,643.50</u></u>

TOWNSHIP OF UPPER POTTS GROVE
MONTGOMERY COUNTY
HIGHWAY TRANSFER PROGRAM – TURNBACK ACCOUNT
NOTES TO FORM MS-999 WITH ADJUSTMENTS
FOR THE PERIOD
MAY 3, 2012 TO SEPTEMBER 11, 2013

4. Miscellaneous Expenditures

The following miscellaneous expenditures were paid from the Liquid Fuels Tax Fund Turnback Account during the examination period:

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
General Fund	Correction of transfer in error (Note 5)	\$500.00
Financial institution	Bank service charges	484.45
Total		<u>\$984.45</u>

5. Transfer In Error

On December 23, 2013, the municipality transferred \$500.00 from its General Fund to its Turnback Account in error. On December 24, 2013, the municipality transferred this amount from its Turnback Account to its General Fund to correct the transfer in error.

TOWNSHIP OF UPPER POTTS GROVE
MONTGOMERY COUNTY
HIGHWAY TRANSFER PROGRAM – TURNBACK ACCOUNT
FINDING AND RECOMMENDATION
FOR THE PERIOD
MAY 3, 2012 TO SEPTEMBER 11, 2013

Finding - Failure To Transfer The Unexpended Balance To The Liquid Fuels Tax Fund

Our examination disclosed that upon completion of this project in September 2013, the unexpended balance of \$35,045.55 in the Turnback Account should have been transferred to the Liquid Fuels Tax Fund as required by Department of Transportation Regulations.

The Department of Transportation's Regulations require Turnback Fund money in excess of the amount expended on the Municipal Services Completion Report Form MS-999 to be transferred into the Liquid Fuels Tax Fund account.

The failure to follow the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations as noted above could result in the municipality having to reimburse \$35,045.55 to its Liquid Fuels Tax Fund.

Recommendation

We recommend the municipality transfer the unexpended balance in the Turnback Account of \$35,045.55 to the Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

Management's Response

The township manager stated:

We agree with the finding

TOWNSHIP OF UPPER POTTS GROVE
MONTGOMERY COUNTY
HIGHWAY TRANSFER PROGRAM – TURNBACK ACCOUNT
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
MAY 3, 2012 TO SEPTEMBER 11, 2013

An exit conference was held September 25, 2015. Those participating were:

TOWNSHIP OF UPPER POTTS GROVE

Ms. Carol Lewis, Township Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Matthew R. Hotchkiss, Auditor

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

TOWNSHIP OF UPPER POTTS GROVE
MONTGOMERY COUNTY
HIGHWAY TRANSFER PROGRAM – TURNBACK ACCOUNT
REPORT DISTRIBUTION
FOR THE PERIOD
MAY 3, 2012 TO SEPTEMBER 11, 2013

This report was initially distributed to:

The Honorable Leslie Richards
Secretary
Department of Transportation

Township of Upper Pottsgrove
Montgomery County
1409 Farmington Avenue
Pottstown, PA 19464-1829

The Honorable Elwood Taylor

President of Commissioners

Ms. Carol Lewis

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.