

# ATTESTATION ENGAGEMENT

---

Township of Millcreek  
Clarion County, Pennsylvania  
16-212  
Liquid Fuels Tax Fund  
For the Period  
January 1, 2012 to December 31, 2014

---

December 2015



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



Commonwealth of Pennsylvania  
Department of the Auditor General  
Harrisburg, PA 17120-0018  
Facebook: Pennsylvania Auditor General  
Twitter: @PAAuditorGen  
www.PaAuditor.gov

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 Millcreek, Clarion 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 Millcreek, Clarion 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 Finding No. 1, the adjustments included on the Forms MS-965 With Adjustments are made by the Department of the Auditor General.

## Independent Auditor's Report (Continued)

Although management of the municipality provided us with a management representation letter on the date of our exit conference of August 18, 2015, held at the municipality, they did not respond to our request for an updated management representation letter including the disclosure of any subsequent events that affected the Forms MS-965 through the date of this report.

In our opinion, except for the possible effects of the matters described 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 Millcreek, Clarion 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 the internal control over reporting on the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

Our consideration of internal control 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 was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described below, we identified certain deficiencies in internal control that we consider to be material weaknesses and other deficiencies that we consider to be significant deficiencies.

*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 a 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. We consider the deficiency below to be a material weakness.

- Failure To Properly Prepare Forms MS-965.

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 Millcreek, Clarion 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 Deposited Into The General Fund.

Additionally, we noted matters that, while not required to be included in this report by *Government Auditing Standards*, have been included in the findings below:

- Retroactive Expenditures.
- Late Receipt of Allocations.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the Township of Millcreek, Clarion 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 Millcreek, Clarion 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 11, 2015

# CONTENTS

	<u>Page</u>
Background.....	1
Financial Section:	
2012 Form MS-965 With Adjustments .....	2
2013 Form MS-965 With Adjustments .....	5
2014 Form MS-965 With Adjustments .....	8
Notes To Forms MS-965 With Adjustments.....	11
Findings And Recommendations:	
Finding No. 1 - Failure To Properly Prepare Forms MS-965 .....	16
Finding No. 2- Liquid Fuels Allocations Deposited Into The General Fund.....	19
Finding No. 3 - Retroactive Expenditures.....	20
Finding No. 4 - Late Receipt Of Allocations .....	22
Summary Of Exit Conference.....	24
Report Distribution .....	25

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

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Finding No. 1)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 3,237.54	\$ (1,334.78)	\$ 1,902.76
Minor equipment purchases	28.00	1,274.78	1,302.78
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	14,492.16	-	14,492.16
Traffic control devices	1,026.32	-	1,026.32
Street lighting	615.07	(615.07)	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	21,089.47	-	21,089.47
Maintenance and repair of roads and bridges	37,897.69	615.07	38,512.76
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Bank service charges)	-	60.00	60.00
 Total (To Section 2, Line 5)	 <u>\$ 78,386.25</u>	 <u>\$ -</u>	 <u>\$ 78,386.25</u>

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

TOWNSHIP OF MILLCREEK  
 CLARION COUNTY  
 LIQUID FUELS TAX FUND  
 2012 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, 2012	\$ 31,005.42	\$ -	\$ 31,005.42
Receipts:			
2. State allocation	87,038.64	-	87,038.64
2a. Turnback allocation	1,720.00	-	1,720.00
2b. Interest on investments (Note 3)	64.33	-	64.33
2c. Miscellaneous (Note 5)	200.00	-	200.00
3. Total receipts	<u>89,022.97</u>	<u>-</u>	<u>89,022.97</u>
4. Total funds available	<u>120,028.39</u>	<u>-</u>	<u>120,028.39</u>
5. Expenditures (Section 1)	<u>78,386.25</u>	<u>-</u>	<u>78,386.25</u>
6. Balance, December 31, 2012	<u>\$ 41,642.14</u>	<u>\$ -</u>	<u>\$ 41,642.14</u>

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

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

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Finding No. 1)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 31,005.42	\$ -	\$ 31,005.42
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	17,751.73	-	17,751.73
3. PENNDOT approved adjustments	-	200.00	200.00
4. Total funds available for equipment acquisition	48,757.15	200.00	48,957.15
5. Less: Major equipment expenditures	3,237.54	(1,334.78)	1,902.76
6. Remainder	<u>45,519.61</u>	<u>1,534.78</u>	<u>47,054.39</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 41,642.14</u>	<u>\$ -</u>	<u>\$ 41,642.14</u>

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

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

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Finding No. 1)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 7,816.56	\$ (2,605.56)	\$ 5,211.00
Minor equipment purchases	-	2,605.56	2,605.56
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	3,161.42	-	3,161.42
Traffic control devices	47.24	-	47.24
Street lighting	-	-	-
Storm sewers and drains	960.36	-	960.36
Repairs of tools and machinery	15,259.98	-	15,259.98
Maintenance and repair of roads and bridges	93,494.72	560.42	94,055.14
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Bank service charges)	593.92	(560.42)	33.50
 Total (To Section 2, Line 5)	 <u>\$ 121,334.20</u>	 <u>\$ -</u>	 <u>\$ 121,334.20</u>

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

TOWNSHIP OF MILLCREEK  
 CLARION 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	\$ 41,642.14	\$ -	\$ 41,642.14
Receipts:			
2. State allocation	85,574.96	-	85,574.96
2a. Turnback allocation	1,720.00	-	1,720.00
2b. Interest on investments (Note 3)	84.80	-	84.80
2c. Miscellaneous	-	-	-
3. Total receipts	<u>87,379.76</u>	<u>-</u>	<u>87,379.76</u>
4. Total funds available	<u>129,021.90</u>	<u>-</u>	<u>129,021.90</u>
5. Expenditures (Section 1)	<u>121,334.20</u>	<u>-</u>	<u>121,334.20</u>
6. Balance, December 31, 2013	<u>\$ 7,687.70</u>	<u>\$ -</u>	<u>\$ 7,687.70</u>

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

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

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Finding No. 1)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 41,642.14	\$ -	\$ 41,642.14
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	17,458.99	-	17,458.99
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	59,101.13	-	59,101.13
5. Less: Major equipment expenditures	7,816.56	(2,605.56)	5,211.00
6. Remainder	<u>51,284.57</u>	<u>2,605.56</u>	<u>53,890.13</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 7,687.70</u>	<u>\$ -</u>	<u>\$ 7,687.70</u>

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

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

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments (Finding No. 1)</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 6,514.46	\$ (1,303.46)	\$ 5,211.00
Minor equipment purchases	68.40	1,303.46	1,371.86
Computer/Computer related training	233.94	-	233.94
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	6,623.35	-	6,623.35
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	9,514.27	-	9,514.27
Maintenance and repair of roads and bridges	67,058.57	8,673.93	75,732.50
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Bank service charges)	150.36	(111.46)	38.90
 Total (To Section 2, Line 5)	 <u>\$ 90,163.35</u>	 <u>\$ 8,562.47</u>	 <u>\$ 98,725.82</u>

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

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

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments (Finding No. 1)</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2014	\$ 7,687.70	\$ -	\$ 7,687.70
Receipts:			
2. State allocation	92,137.97	-	92,137.97
2a. Turnback allocation	1,720.00	-	1,720.00
2b. Interest on investments (Note 3)	73.72	-	73.72
2c. Miscellaneous (Note 4)	-	3,000.00	3,000.00
3. Total receipts	<u>93,931.69</u>	<u>3,000.00</u>	<u>96,931.69</u>
4. Total funds available	<u>101,619.39</u>	<u>3,000.00</u>	<u>104,619.39</u>
5. Expenditures (Section 1)	<u>90,163.35</u>	<u>8,562.47</u>	<u>98,725.82</u>
6. Balance, December 31, 2014	<u>\$ 11,456.04</u>	<u>\$ (5,562.47)</u>	<u>\$ 5,893.57</u>

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

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

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments (Finding No. 1)</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 7,687.70	\$ -	\$ 7,687.70
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	18,771.59	-	18,771.59
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	26,459.29	-	26,459.29
5. Less: Major equipment expenditures	<u>6,514.46</u>	<u>(1,303.46)</u>	<u>5,211.00</u>
6. Remainder	<u>19,944.83</u>	<u>1,303.46</u>	<u>21,248.29</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 11,456.04</u>	<u>\$ (5,562.47)</u>	<u>\$ 5,893.57</u>

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

TOWNSHIP OF MILLCREEK  
 CLARION 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 was received from the Department of Transportation during the first week in April of each year through 2013. Municipalities began receiving the state allocation in March of each year beginning in 2014. The amount the municipality receives is based half on its population and half on its road mileage.

The turnback allocation was received from the Department of Transportation during the first week in April of each year through 2013. Municipalities began receiving the turnback allocation in March of each year beginning in 2014. A municipality receives a yearly turnback allocation based on road mileage for all

TOWNSHIP OF MILLCREEK  
CLARION 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)

roads that were transferred to the municipality from the Commonwealth of Pennsylvania through the Highway Transfer Program.

- 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 MILLCREEK  
CLARION 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 Second Class Township Code*, Title 53 P.S. § 68204, 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 financial institutions. 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 MILLCREEK  
 CLARION 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	\$5,893.57
------	------------

3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in interest-bearing accounts which earned \$64.33 during 2012, \$84.80 during 2013, and \$73.72 during 2014, thus providing additional funds for road maintenance and repairs.

4. Miscellaneous Receipts

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

Source	Description	2012	2014
General Fund	Reimbursement for equipment payment	\$200.00	\$ -
General Fund	Grant	-	3,000.00
Total		\$200.00	\$3,000.00

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

5. Bank Loan

On April 10, 2002, the municipality borrowed \$55,000.00 from the United States Department of Agriculture to purchase a 2002 International dump truck. The term of the loan was for 15 years at an interest rate of 4.75 percent. Principal and interest payments of \$5,211.00 are due annually. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$28,327.00 and \$18,492.40, respectively.

During the current examination period the municipality paid principal of \$8,548.21 and interest of \$1,873.79 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2013 and 2014 Forms MS-965 - Section 1. Additionally, the municipality paid principal of \$3,662.86 and interest of \$1,548.14 from the General Fund. The outstanding balance of the loan as of December 31, 2014 was \$14,461.93, plus interest.

6. Bank Loan

On May 5, 2006, the municipality borrowed \$22,500.00 from the Commonwealth of Pennsylvania's Department of Community and Economic Development for the purchase of a used dump truck. The term of the loan was for six years at an interest rate of 2.0 percent. Principal and interest payments of \$1,185.00 are due quarterly. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$18,433.99 and \$866.01, respectively. Additionally, the municipality paid principal of \$2,163.25 and interest of \$220.50 from the General Fund.

During the current examination period the municipality paid principal of \$1,902.76 from the Liquid Fuels Tax Fund. This amount is reflected in major equipment purchases on the 2012 Form MS-965 - Section 1. Additionally, interest of \$13.15 was paid from another fund. The agreement was paid-in-full on November 28, 2012.

7. Bank Loan

On June 18, 2012, the municipality borrowed \$5,000.00 from the First United National Bank for the purchase of a used grader. The term of the loan was for two years at an interest rate of 4.0 percent. Principal and interest payments of \$217.13 are due monthly.

During the current examination period the municipality paid principal of \$5,000.00 and interest of \$211.80 from the Liquid Fuels Tax Fund. This amount is reflected in minor equipment purchases on the 2012, 2013, and 2014 Forms MS-965 - Section 1. The agreement was paid-in-full on June 16, 2014.

TOWNSHIP OF MILLCREEK  
CLARION COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 1 - Failure To Properly Prepare Forms MS-965**

Our examination disclosed that there were numerous errors made in the preparation of the municipality's 2012, 2013 and 2014 Forms MS-965. These errors resulted in the following adjustments:

2012 - Section 1

- Adjustments were made to "Major equipment purchases," "Minor equipment purchases," and "Miscellaneous" because expenditures of \$1,334.78 were misclassified.
- Adjustments were made to "Street lighting" and "Maintenance and repair of roads and bridges" because expenditures of \$615.07 were misclassified.

2012 - Section 3

- An adjustment of \$200.00 was made to "PENNDOT approved adjustments" because a transfer from the General Fund for an equipment purchase was not reported as an approved adjustment.
- An adjustment of \$(1,334.78) was made to "Major equipment expenditures" to reflect the adjustment made to major equipment purchases in 2012 - Section 1.

2013 - Section 1

- Adjustments were made to "Major equipment purchases" and "Minor equipment purchases" because expenditures of \$2,605.56 were misclassified.
- Adjustments were made to "Maintenance and repair of roads and bridges" and "Miscellaneous" because expenditures of \$560.42 were misclassified.

2013 - Section 3

- An adjustment of \$(2,605.56) was made to "Major equipment expenditures" to reflect the adjustment made to major equipment purchases in 2013 - Section 1.

TOWNSHIP OF MILLCREEK  
CLARION COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 1 - Failure To Properly Prepare Forms MS-965 (Continued)**

2014 - Section 1

- Adjustments were made to “Major equipment purchases” and “Minor equipment purchases” because expenditures of \$1,303.46 were misclassified.
- An adjustment of \$8,673.93 was made to “Maintenance and repair of roads and bridges” because expenditures of \$111.46 were misclassified as miscellaneous. Additionally, check Nos. 1464 for \$203.95, 1465 for \$2,862.52, 1466 for \$35.21, 1467 for 983.87, 1468 for \$2,048.25, 1469 for \$1,729.77, 1470 for \$319.00 and 1471 for \$379.90 were not reported.
- An adjustment of \$(111.46) was made to “Miscellaneous” because maintenance and repair expenditures were misclassified as miscellaneous.

2014 - Section 2

- An adjustment of \$3,000.00 was made to “Miscellaneous” because a grant from the General Fund was not reported.

2014 - Section 3

- An adjustment of \$(1,303.46) was made to “Major equipment expenditures” to reflect the adjustment made to major equipment purchases in 2014 - Section 1.

Good internal controls ensure that the municipality complete its Forms MS-965 accurately and completely. The failure to properly complete Forms MS-965 increases the risk that errors or misappropriations may occur and remain undetected.

Recommendation

We recommend that the municipality ensure that its Forms MS-965 are complete and accurate.

TOWNSHIP OF MILLCREEK  
CLARION COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 1 - Failure To Properly Prepare Forms MS-965 (Continued)**

Management's Response

The municipal officials stated:

We agree with the finding.

Auditor's Conclusion

During our next examination we will determine if the municipality complied with our recommendation.

TOWNSHIP OF MILLCREEK  
CLARION COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 2 - Liquid Fuels Allocations Deposited Into The General Fund**

Our examination disclosed that the municipality deposited its 2012 annual allocation of \$87,038.64 into the General Fund on September 14, 2012 and its 2013 annual allocation of \$85,574.96 into the General Fund on April 9, 2013. The 2012 and 2013 allocations were transferred from the General Fund to the Liquid Fuels Tax Fund on September 17, 2012 and April 25, 2013 respectively. This is in noncompliance with the Liquid Fuels Tax Municipal Allocation Law.

The practice of depositing liquid fuels money into any account other than the Liquid Fuels Tax Fund account is contrary to the Act of June 1, 1956, P.L. (1955) 1944, 72 P.S. § 2615.5, known as the Liquid Fuels Tax Municipal Allocation Law, which states:

. . .each city, borough, town and township, shall . . . Establish and maintain a special fund into which the moneys [liquid fuels tax funds] . . . shall be deposited and into which no other moneys may be deposited or commingled . . .

The risk that Liquid Fuels Tax Fund money may be used for unauthorized purposes increases when liquid fuels money is commingled with other funds.

**Recommendation**

We recommend that, in the future, the municipality deposit all liquid fuels tax allocations promptly into the Liquid Fuels Tax Fund.

**Management's Response**

The municipal officials stated:

We agree with the finding.

**Auditor's Conclusion**

During our next examination we will determine if the municipality complied with our recommendation.

TOWNSHIP OF MILLCREEK  
CLARION COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 3 - Retroactive Expenditures**

Our examination disclosed that on March 12, 2012, the township issued check No. 1122 for \$2,771.69 for an invoice dated November 8, 2011. Additionally, on June 17, 2013, the township issued check No. 1245 for \$1,074.64 for invoices dated from October 24, 2011 to June 8, 2012.

The Department of Transportation's *Publication 9* contains the policies and procedures for the administration of the Liquid Fuels Tax Fund. *Publication 9*, Chapter Two, Section 2.7.2, states, in relevant part:

Examples of what Liquid Fuels Tax Fund monies may not be expended for are:

8. Repayments of prior year's expenditures.
17. Retroactive expenditures or repayment of other funds for prior period expenditures.

Because expenditures of \$2,771.69 were incurred on November 8, 2011 and were not paid until March 12, 2012, and expenditures of \$1,074.64 were incurred from October 24, 2011 to June 8, 2012 and were not paid until June 17, 2013, the expenditures incurred were not paid in a reasonable period of time. Therefore, the municipality did not comply with the Department of Transportation's *Publication 9*.

The failure to follow the Department of Transportation's *Publication 9* as noted above could result in the municipality having to reimburse \$3,846.33 to its Liquid Fuels Tax Fund.

**Recommendations**

We recommend that the municipality reimburse \$3,846.33 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the municipality complies with the Department of Transportation's *Publication 9* as noted above.

TOWNSHIP OF MILLCREEK  
CLARION COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 3 - Retroactive Expenditures (Continued)**

Management's Response

The municipal officials stated:

We agree with the finding.

Auditor's Conclusion

During our next examination we will determine if the municipality complied with our recommendations.

TOWNSHIP OF MILLCREEK  
CLARION COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 4 - Late Receipt Of Allocations**

Our examination disclosed that the 2012 and 2014 Liquid Fuels Tax Fund allocations of \$87,038.64 and \$92,137.97, respectively, which should have been distributed from the Department of Transportation to the municipality during the first week of April of 2012 and during the first week of March of 2014, were not received until September 14, 2012, and April 16, 2014, respectively. In addition, the 2012 allocation was deposited to the General Fund (see Finding No. 3). The allocations were received late because the municipality failed to comply with the Department of Transportation's *Publication 9*, Chapter Two, Section 2.4, which states:

To qualify for the annual liquid fuels tax allocation, a municipality shall:

- Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
- Make deposits and payments or expenditures in compliance with the Act 655. Failure to do so may result in not receiving allocations from PENNDOT until all discrepancies are resolved.
- Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31<sup>st</sup> and the Survey of Financial Condition by March 15<sup>th</sup>.
- Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.

Because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the 2012 allocation for more than five months and the 2014 allocation more than one month. Furthermore, had the allocations been received timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs.

TOWNSHIP OF MILLCREEK  
CLARION COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2012 TO DECEMBER 31, 2014

**Finding No. 4 - Late Receipt Of Allocations (Continued)**

Recommendation

We recommend that, in the future, the municipality complies with the Department of Transportation's *Publication 9* to ensure that the allocations are received timely.

Management's Response

The municipal officials stated:

We agree with the finding.

Auditor's Conclusion

During our next examination we will determine if the municipality complied with our recommendation.

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

An exit conference was held August 18, 2015. Those participating were:

TOWNSHIP OF MILLCREEK

Ms. Ginny McKisson, Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Christopher Heglen, Auditor

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

TOWNSHIP OF MILLCREEK  
CLARION 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 Millcreek**  
Clarion County  
P. O. Box 4  
5345 Hudson Drive  
Fisher, PA 16225

**The Honorable Lary P. Puskaric**

Chairman of the Board of Supervisors

**Ms. Ginny McKisson**

Secretary/Treasurer

This report is a matter of public record and is available online at [www.PaAuditor.gov](http://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](mailto:news@PaAuditor.gov).