

# ATTESTATION ENGAGEMENT

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## Township of Upper Pottsgrove

Montgomery County, Pennsylvania

46-114

Liquid Fuels Tax Fund

For the Period

January 1, 2014 to December 31, 2014

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March 2016



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 Form MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Township of Upper Pottsgrove, Montgomery County, for the period January 1, 2014 to December 31, 2014. The municipality's management is responsible for the Form MS-965. Our responsibility is to express an opinion on the Form 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 Upper Pottsgrove, Montgomery County's Form MS-965 for the period January 1, 2014 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 Form MS-965 With Adjustments are made by the Department of the Auditor General.

## Independent Auditor's Report (Continued)

As discussed in Finding No. 1, the municipality expended \$7,000.00 during 2014 from the Liquid Fuels Tax Fund for vegetation control and liquid deicer, which are nonpermissible items. Additionally, as discussed in the Summary of 2012-2013 Examination Recommendations, during our 2012-2013, the township made nonpermissible expenditures of \$10,608.50 and improperly expended \$3,330.72 of Liquid Fuels money on a turnback project. The municipality reimbursed \$13,939.22 to its Liquid Fuels Tax Fund on July 15, 2015, which was subsequent to our examination period.

Additionally, although management of the municipality provided us with a management representation letter on the date of our exit conference of October 15, 2016, 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 Form MS-965 through the date of this report.

In our opinion, except for the effects of the nonpermissible expenditures made during 2014 and the nonpermissible expenditures and the improper payment of a turnback project during 2012-2013, and the possible effects of the municipality's failure to provide an updated management representation letter, the Form MS-965 With Adjustments presents, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Township of Upper Pottsgrove, Montgomery County, for the period January 1, 2014 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 Form 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 Form 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 Form MS-965 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-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 Form 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.

Independent Auditor's Report (Continued)

Our consideration of internal control over reporting on the Form MS-965 was for the limited purpose of expressing an opinion on whether the Form MS-965 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.

As part of obtaining reasonable assurance about whether the Form MS-965 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-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*:

- Nonpermissible Expenditures - Recurring.

We also noted a matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in the finding below:

- Late Receipt Of Allocations.

We are concerned that the municipality failed to correct our prior examination finding regarding nonpermissible expenditures. During our current examination the municipality made nonpermissible expenditures and received its Liquid Fuels Tax Fund allocation late. The failure to comply with the Liquid Fuels Tax Municipal Allocation Law and Department of Transportation's Regulations could result in the municipality having to reimburse \$7,000.00 to its Liquid Fuels Tax Fund. Additionally, because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the 2014 allocation for more than one month. The municipality should strive to comply with the recommendations and corrective actions noted in this report.

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

January 5, 2016

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TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2014 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 UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
2014 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	\$ 26,693.85	\$ -	\$ 26,693.85
Minor equipment purchases	6,467.19	-	6,467.19
Computer/Computer related training	54.80	-	54.80
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	29,360.08	2,809.81	32,169.89
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	4,495.37	1,176.96	5,672.33
Maintenance and repair of roads and bridges	44,749.90	(13,481.78)	31,268.12
Highway construction and rebuilding projects	462,779.80	14,061.00	476,840.80
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 574,600.99</u>	 <u>\$ 4,565.99</u>	 <u>\$ 579,166.98</u>

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

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
2014 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, 2014	\$ 26,544.47	\$ 56,047.54	\$ 82,592.01
Receipts:			
2. State allocation	132,077.88	-	132,077.88
2a. Turnback allocation	19,160.00	-	19,160.00
2b. Interest on investments (Note 3)	196.19	-	196.19
2c. Miscellaneous (Note 5)	520,730.61	-	520,730.61
3. Total receipts	<u>672,164.68</u>	<u>-</u>	<u>672,164.68</u>
4. Total funds available	<u>698,709.15</u>	<u>56,047.54</u>	<u>754,756.69</u>
5. Expenditures (Section 1)	<u>574,600.99</u>	<u>4,565.99</u>	<u>579,166.98</u>
6. Balance, December 31, 2014	<u>\$ 124,108.16</u>	<u>\$ 51,481.55</u>	<u>\$ 175,589.71</u>

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

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
2014 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	\$ 26,544.47	\$ 39,051.51	\$ 65,595.98
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	30,247.58	-	30,247.58
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	56,792.05	39,051.51	95,843.56
5. Less: Major equipment expenditures	26,693.85	-	26,693.85
6. Remainder	<u>30,098.20</u>	<u>39,051.51</u>	<u>69,149.71</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 30,098.20</u>	<u>\$ 39,051.51</u>	<u>\$ 69,149.71</u>

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

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 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 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 in March of each year beginning in 2014. 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 UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 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 UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 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 UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 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 consists of the following:

Cash	<u>\$175,589.71</u>
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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 \$196.19 during 2014, thus providing additional funds for road maintenance and repairs.

4. Adjustments

Section 1

An adjustment of \$2,809.81 was made to "Winter maintenance services" because check No. 1553 was not reported.

An adjustment of \$1,176.96 was made to "Repairs of tools and machinery" because check No. 1554 was not reported.

An adjustment of \$(13,481.78) was made to "Maintenance and repair of roads and bridges" because check No. 1552 for \$579.22 was not reported and \$14,061.00 of highway construction and rebuilding project expenditures were misclassified.

An adjustment of \$14,061.00 was made to "Highway construction and rebuilding projects" because these expenditures were misclassified as maintenance and repair of roads and bridges.

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

4. Adjustments (Continued)

Section 2

An adjustment of \$56,047.54 was made to “Balance, January 1, 2014” because an incorrect fund balance was reported.

Section 3

An adjustment of \$39,051.51 was made to “Prior year equipment balance” because an incorrect equipment fund balance was reported.

5. Miscellaneous Receipts

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

<u>Source</u>	<u>Description</u>	<u>Amount</u>
Financial institution	Loan proceeds (Note 6)	\$500,000.00
Department of Transportation	Winter maintenance agreement	2,890.38
General Fund	Reimbursement (Summary of 2011 Examination Recommendations)	17,561.96
General Fund	Grant	<u>278.27</u>
Total		<u><u>\$520,730.61</u></u>

6. Bank Loan

On April 1, 2014, the municipality borrowed \$500,000.00 from Fulton Bank to pay for road projects. The term of the loan was for ten years at an interest rate of 4.95 percent. Principal and interest payments of \$4,686.86 are due monthly.

During the current examination period, the municipality paid principal of \$11,104.30 and interest of \$2,956.70 from the Liquid Fuels Tax Fund. These amounts are reflected in highway construction and rebuilding projects on the 2014 and Form MS-965 - Section 1. The outstanding balance of the loan as of December 31, 2014 was \$488,895.70, plus interest.

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORM MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

7. Lease-Purchase Agreement

On June 7, 2013, the municipality entered into a lease-purchase agreement with Mercedes Benz Financial to purchase a 2014 Freightliner dump truck for \$126,682.42. The agreement was for a term of five years at an interest rate of 2.68 percent. Principal and interest payments of \$26,693.85 are due annually. Prior years' principal payments from the Liquid Fuels Tax Fund were \$23,635.00. Additionally, the municipality paid principal of \$3,058.85 from the General Fund.

During the current examination period, the municipality paid principal of \$24,014.54 and interest of \$2,679.31 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2014 Form MS-965 - Section 1. The outstanding balance of the lease-purchase agreement as of December 31, 2014 was \$75,974.03, plus interest.

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

**Finding No. 1 - Nonpermissible Expenditures - Recurring**

We cited the municipality for nonpermissible expenditures in our prior report for the period of January 1, 2012 to December 31, 2013. Our current examination disclosed that the municipality expended \$7,000.00 during 2014 from the Liquid Fuels Tax Fund for the following nonpermissible items:

<u>Description</u>	<u>Amount</u>
Vegetation control	\$5,300.00
Liquid deicer	1,700.00
2014 Total	<u>\$7,000.00</u>

The Liquid Fuels Tax Municipal Allocation Law, 72 P.S. § 2615.4, provides, in part, that monies herein allocated may be used only for construction, reconstruction, maintenance, and repairs of such public roads or streets, including bridges, culverts and drainage structures, for which they are legally responsible. Also permitted are expenditures involving acquisition, maintenance, repairs and operation of street signs, traffic signs, traffic signal control systems, road equipment, and snow fences.

The Department of Transportation has been statutorily authorized to promulgate regulations concerning the administration of Liquid Fuels Tax Fund money and has determined that certain items, including vegetation control and liquid deicer, are outside the scope of permissible expenditures.

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 \$7,000.00 to its Liquid Fuels Tax Fund.

**Recommendations**

We recommend that the municipality reimburse \$7,000.00 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 Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation’s Regulations regarding permissible expenditures.

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

**Finding No. 1 – Nonpermissible Expenditures - Recurring (Continued)**

Management's Response

The township manager stated:

I acknowledge the finding.

Auditor's Conclusion

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

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

**Finding No. 2 - Late Receipt Of Allocations**

Our examination disclosed that the 2014 Liquid Fuels Tax Fund allocations of \$132,077.88, which should have been distributed from the Department of Transportation to the municipality during the first week of March of that year, was not received until April 25, 2014, 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 2014 allocation for 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.

**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 during the first week in March as outlined above.

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

**Finding No. 2 – Late Receipt Of Allocations (Continued)**

Management's Response

The township manager stated:

I acknowledge the finding.

Auditor's Conclusion

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

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF PRIOR EXAMINATION'S RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

Summary Of 2012-2013 Examination Recommendation

In our prior report, we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$13,939.22 to its Liquid Fuels Tax Fund. This amount consists of \$10,608.50 for nonpermissible expenditures and \$3,330.72 for Liquid Fuels money improperly expended on turnback project.

During our current examination, we reviewed a letter dated August 5, 2015, from the Department of Transportation informing the municipality to reimburse \$13,939.22 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on July 15, 2015, which was subsequent to our examination period.

In our prior report, we also recommended that the municipality:

- Ensure that its Forms 965 are complete and accurate.
- Comply with the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations regarding permissible expenditures.
- Not expend Liquid Fuels Tax Funds for construction projects without prior approval of the Department of Transportation.

During our current examination, we noted that the municipality complied with our first and third bulleted recommendations but did not comply with our second bulleted recommendation (see Finding No. 1).

Summary Of 2011 Examination Recommendation

In our 2011 examination, the municipality expended \$9,440.78 without maintaining supporting documentation and \$15,953.00 for nonpermissible expenditures from its Liquid Fuels Tax Fund. We further noted that the municipality reimbursed \$2,478.82 and \$5,353.00 to its Liquid Fuels Tax fund on January 8, 2012 and January 18, 2012, respectively, for these expenditures.

During our current examination, we noted a letter dated November 25, 2013, from the Department of Transportation informing the municipality to reimburse \$17,561.96 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on January 10, 2014.

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF EXIT CONFERENCE  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

An exit conference was held October 15, 2015. Those participating were:

TOWNSHIP OF UPPER POTTS GROVE

Ms. Carol R. Lewis, Township Manager

DEPARTMENT OF THE AUDITOR GENERAL

Ms. Nicole Cordisco, Auditor

Mr. John Socket, Auditor

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

TOWNSHIP OF UPPER POTTS GROVE  
MONTGOMERY COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2014

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

**The Honorable Elwood A. Taylor**      President of the Board of Commissioners

**Ms. Carol R. Lewis**      Township Manager

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