

ATTESTATION ENGAGEMENT

Township of Chester
Delaware County, Pennsylvania
23-203
Liquid Fuels Tax Fund
For the Period
January 1, 2015 to December 31, 2016

October 2017



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 Chester, Delaware County, for the period January 1, 2015 to December 31, 2016. The municipality's management is responsible for presenting the Forms MS-965 in accordance with the criteria set forth in Note 1. 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. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Forms MS-965 are in accordance with the criteria, in all material respects. An examination involves performing procedures to obtain evidence about the Forms MS-965. The nature, timing and extent of the procedures selected depend on our judgement, including an assessment of the risks of material misstatement of the Forms MS-965, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide 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*.

Independent Auditor's Report (Continued)

As discussed in the Finding No. 1, the township expended \$30,247.60 and \$47,125.00 during 2015 from the Liquid Fuels Tax Fund for road salt and inlet repairs, respectively, without advertising for bids. Additionally, as discussed in Finding No. 3, the municipality expended \$6,449.53 in excess of the amount available for the purchase of equipment for 2016. The municipality reimbursed \$6,449.53 to the Liquid Fuels Tax Fund on January 31, 2017, which was subsequent to our examination period.

In our opinion, except for the matters 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 Chester, Delaware County, for the period January 1, 2015 to December 31, 2016, in accordance 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 Township of Chester, Delaware 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 instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- Noncompliance With Advertising And Bidding Requirements.
- Liquid Fuels Money Over Expended On Project.
- Over Expended Equipment Purchase Tally.

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

- Late Receipt Of Allocations.

The purpose of this report is to determine whether the municipality's Liquid Fuels Tax Fund money is spent in accordance with the laws and regulations identified in the Background section of this report and the Department of Transportation's *Publication 9*. This report is not suitable for any other purpose.

We appreciate the courtesy extended by the Township of Chester, Delaware 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 12, 2017

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TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

Background

The Liquid Fuels Tax Municipal Allocation Law, Act 655 of 1956, as amended, (72 P.S. § 2615.5 et seq.), 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 allocation of Liquid Fuels Tax funds and annual maintenance payments that it receives into a special fund called either 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 such a 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. Department of Transportation's *Publication 9* includes the policies and procedures for the administration of Act 655, as amended, and the Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

To qualify for the annual allocation of Liquid Fuels Tax funds, *Publication 9* indicates that each municipality shall:

1. Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
2. Make deposits and payments or expenditures in compliance with Act 655 of 1956, as amended. Failure to do so may result in not receiving allocations from PennDOT until all discrepancies are resolved. *Publication 9*, Section 2.6, includes information about investing Liquid Fuels Tax monies, using loan or bond proceeds, and types of receipts into the Liquid Fuels Tax Fund.

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

Background (Continued)

3. Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31st and the Survey of Financial Condition By March 15th.
4. Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.
5. Ensure resolution of all reimbursements required as a result of audits performed by the Department of the Auditor General or monitoring reviews performed by the Department of Transportation's Financial Consultants.

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2015 FORM MS-965 – SECTION 1
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 63,390.00	\$ -	\$ 63,390.00
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	30,247.60	-	30,247.60
Traffic control devices	2,252.29	-	2,252.29
Street lighting	40,532.15	-	40,532.15
Storm sewers and drains	47,125.00	-	47,125.00
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	54,419.40	-	54,419.40
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 237,966.44</u>	<u>\$ -</u>	<u>\$ 237,966.44</u>

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

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2015 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, 2015	\$ 149,220.97	\$ -	\$ 149,220.97
Receipts:			
2. State allocation	85,034.85	-	85,034.85
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	204.44	-	204.44
2c. Miscellaneous (Note 5)	45,750.73	-	45,750.73
3. Total receipts	130,990.02	-	130,990.02
4. Total funds available	280,210.99	-	280,210.99
5. Expenditures (Section 1)	237,966.44	-	237,966.44
6. Balance, December 31, 2015	<u>\$ 42,244.55</u>	<u>\$ -</u>	<u>\$ 42,244.55</u>

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

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2015 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	\$ 68,508.18	\$ -	\$ 68,508.18
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	17,006.97	-	17,006.97
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	85,515.15	-	85,515.15
5. Less: Major equipment expenditures	<u>63,390.00</u>	<u>-</u>	<u>63,390.00</u>
6. Remainder	<u>22,125.15</u>	<u>-</u>	<u>22,125.15</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 22,125.15</u>	<u>\$ -</u>	<u>\$ 22,125.15</u>

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

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2016 FORM MS-965 – SECTION 1
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ 48,414.82	\$ -	\$ 48,414.82
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	13,975.82	-	13,975.82
Traffic control devices	1,303.46	-	1,303.46
Street lighting	32,311.50	-	32,311.50
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 96,005.60</u>	 <u>\$ -</u>	 <u>\$ 96,005.60</u>

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

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2016 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, 2016	\$ 42,244.55	\$ -	\$ 42,244.55
Receipts:			
2. State allocation	99,200.69	-	99,200.69
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	100.54	-	100.54
2c. Miscellaneous (Note 5)	11,703.10	-	11,703.10
3. Total receipts	111,004.33	-	111,004.33
4. Total funds available	153,248.88	-	153,248.88
5. Expenditures (Section 1)	96,005.60	-	96,005.60
6. Balance, December 31, 2016	<u>\$ 57,243.28</u>	<u>\$ -</u>	<u>\$ 57,243.28</u>

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

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2016 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	\$ 22,125.15	\$ -	\$ 22,125.15
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	19,840.14	-	19,840.14
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	41,965.29	-	41,965.29
5. Less: Major equipment expenditures	<u>48,414.82</u>	<u>-</u>	<u>48,414.82</u>
6. Remainder	<u>(6,449.53)</u>	<u>-</u>	<u>(6,449.53)</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

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

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS
 FOR THE PERIOD
 JANUARY 1, 2015 TO DECEMBER 31, 2016

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:

2012	2013	2014	2015/2016
\$10,000.00	\$10,200.00	\$10,300.00	\$10,500.00

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

2012	2013	2014	2015/2016
\$10,000.00	\$10,200.00	\$10,300.00	\$10,500.00

- 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 available from the Department of Transportation in March of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- Municipalities that transferred roads from the Commonwealth of Pennsylvania to the municipality through the Highway Transfer Program receive annual turnback allocations in March of each year from the Department of Transportation. Turnback allocations are based on the mileage of the roads transferred.

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

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 CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

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 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 CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS
 FOR THE PERIOD
 JANUARY 1, 2015 TO DECEMBER 31, 2016

2. Deposits (Continued)

There were no deposits exposed to custodial credit risk as of December 31, 2016. Custodial credit risk, as defined by GASB No. 40, as amended, 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, 2016, consists of the following:

Cash	<u>\$57,243.28</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 \$204.44 during 2015, and \$100.54 during 2016, 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:

<u>Source</u>	<u>Description</u>	<u>2015</u>	<u>2016</u>
General Fund	Reimbursement (Summary of 2013 Examination Recommendation)	\$ 4,944.16	\$ -
General Fund	Reimbursement (Finding No. 2)	32,382.40	-
Commonwealth of Pennsylvania	Winter maintenance agreements	<u>8,424.17</u>	<u>11,703.10</u>
Totals		<u>\$45,750.73</u>	<u>\$11,703.10</u>

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

5. Lease-Purchase Agreement

On December 30, 2015, the municipality entered into a lease-purchase agreement with Mercedes-Benz Financial Services to purchase a 2016 Freightliner truck for \$111,501.00. The agreement was for a term of five years at an interest rate of 4.28 percent. Principal and interest payments of \$24,207.41 are due annually.

During the current examination period, the municipality paid principal of \$44,678.65 and interest of \$3,736.17 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2016 Form MS-965 – Section 1. The outstanding balance of the lease-purchase agreement as of December 31, 2016 was \$66,822.35, plus interest.

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 FINDINGS AND RECOMMENDATIONS
 FOR THE PERIOD
 JANUARY 1, 2015 TO DECEMBER 31, 2016

Finding No. 1 - Noncompliance With Advertising And Bidding Requirements

Our examination disclosed that the township expended \$30,247.60 and \$47,125.00 during 2015 from the Liquid Fuels Tax Fund for the road salt and inlet repairs, respectively, without advertising for bids. These expenditures were as follows:

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Amount</u>
Various	Various	1039	01/15/15	\$ 4,351.68
Various	Various	1071	03/12/15	7,409.48
Various	Various	1088	04/02/15	7,615.25
Various	Various	1092	04/16/15	7,242.72
Various	Various	1160	12/18/15	<u>3,628.47</u>
Total for road salt				<u>\$30,247.60</u>
15116	08/26/15	1148	09/03/15	23,700.00
15164	12/29/15	1160	12/29/15	<u>23,425.00</u>
Total for inlet repairs				<u>\$47,125.00</u>

The above expenditures were not made in compliance with the advertising, bidding, and contract requirements of *The Second Class Township Code*, 53 P.S. § 68102(a), (also found at § 3102(a) of *The Second Class Township Code* as published by the Local Government Commission), which requires that purchases over \$18,500.00 during 2012 must be advertised, bid, and awarded by contract. The bidding threshold increased to purchases over \$19,400.00 for 2015 and 2016. *The Second Class Township Code*, 53 P.S. § 68104(a), (also found at § 3104(a) of *The Second Class Township Code* as published by the Local Government Commission) further states that advertising, bidding and contract requirements should not be evaded through piecemeal purchases.

The failure to comply with *The Second Class Township Code* could result in the township having to reimburse \$77,372.60 to its Liquid Fuels Tax Fund.

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

Finding No. 1 - Noncompliance With Advertising And Bidding Requirements (Continued)

Recommendations

We recommend that the township reimburse \$77,372.60 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the township complies with *The Second Class Township Code* as noted in this finding.

Management's Response

The township officials stated:

We are now aware that if emergency work is needed, it must be approved by PENNDOT and discussed at the public meeting.

Auditor's Conclusion

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

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

Finding No. 2 - Liquid Fuels Money Over Expended On Project

Our examination disclosed that the municipality expended \$54,419.40 of Liquid Fuels Tax Fund money on construction project No. 15-23023-1CA. However, the amount of Liquid Fuels Tax Fund money approved by the Department of Transportation to be expended from the Liquid Fuels Tax Fund for this project was \$22,037.40. The difference of \$32,382.00 should have been paid directly from the General Fund.

The Department of Transportation's Regulations do not permit a municipality to expend Liquid Fuels Tax Fund money in excess of the amount approved on Municipal Services Completion Report Form MS-999.

On October 16, 2015, the municipality reimbursed \$32,382.00 to the Liquid Fuels Tax Fund.

Recommendation

We recommend that, in the future, the municipality expend only the approved amount of Liquid Fuels Tax Fund money on road construction projects.

Management's Response

The municipal officials stated:

It was reimbursed in October of that year.

Auditor's Conclusion

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

TOWNSHIP OF CHESTER
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 FINDINGS AND RECOMMENDATIONS
 FOR THE PERIOD
 JANUARY 1, 2015 TO DECEMBER 31, 2016

Finding No. 3 - Over Expended Equipment Purchase Tally

Our examination disclosed that the municipality expended \$6,449.53 in excess of the amount available for the purchase of equipment for 2016, as follows:

<u>2016</u>	
1.	Prior year equipment balance \$22,125.15
2.	Current year equipment allocation (20% of Lines 2 + 2A, Section 2) 19,840.14
3.	PENNDOT approved adjustments -
4.	Total funds available for equipment acquisition 41,965.29
5.	Less: Major equipment purchases (48,414.82)
6.	Amount Over Expended for equipment – 2016 \$ (6,449.53)

The Department of Transportation’s, *Publication 9*, Appendix D, Section 449.11, 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, 20 percent of the current year’s Liquid Fuels Tax Fund allocations, and any approved adjustments.

The municipality reimbursed \$6,449.53 to the Liquid Fuels Tax Fund on January 31, 2017, which was subsequent to our examination period.

Recommendation

We recommend that the municipality only expend up to the approved amount on equipment expenditures in accordance with the Department of Transportation’s *Publication 9*.

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

Finding No. 3 - Over Expended Equipment Purchase Tally (Continued)

Management's Response

The municipal officials stated:

We acknowledge the finding and it was reimbursed in January of this year.

Auditor's Conclusion

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

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

Finding No. 4 - Late Receipt Of Allocations

Our examination disclosed that the 2015 and 2016 Liquid Fuels Tax Fund allocations of \$85,034.85 and \$99,200.69 which should have been distributed from the Department of Transportation to the municipality during the first week of March of each year, were not received until May 1, 2015, and April 12, 2016, respectively, 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 31st and the Survey of Financial Condition by March 15th.
- 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 2015 allocation for two months and the 2016 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 CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

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

Management's Response

The municipal officials stated:

Finding is acknowledged.

Auditor's Conclusion

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

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATIONS' RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

Summary Of 2013 Examination Recommendation

In our 2013 report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$4,944.16 to its Liquid Fuels Tax Fund for over expending Liquid Fuels Tax Fund money on a project.

During our 2014 examination we reviewed a letter dated June 1, 2015, from the Department of Transportation informing the municipality to reimburse \$4,944.16 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on June 18, 2015.

Summary Of 2014 Examination Recommendations

In our 2014 report we recommended that the Department of Transportation review our examination findings to determine if the municipality should reimburse \$58,391.35 to its Liquid Fuels Tax Fund. This amount consists of \$34,795.48 for failing to advertise for bids and \$23,595.87 for over expending liquid fuels money on a project.

During our current examination we reviewed a letter dated December 1, 2016, from the Department of Transportation informing the municipality that the reimbursement of \$58,391.35 would not be required.

In our 2014 report we recommended that the municipality:

- Comply with *The Second Class Township Code* by advertising for bids for all purchases over \$19,100.00. The threshold for advertising for bids increased to purchases \$19,400.00 for 2015 and 2016.
- Expend only the approved amount of Liquid Fuels Tax Fund money on road construction projects.

During our current examination we noted that the municipality did not comply with our bulleted recommendations (see Finding No. 1 and No. 2).

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

An exit conference was held July 14, 2017. Those participating were:

TOWNSHIP OF CHESTER

Ms. Dana Smith, Bookkeeper

DEPARTMENT OF THE AUDITOR GENERAL

Mr. John C. Socket, Auditor

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

TOWNSHIP OF CHESTER
DELAWARE COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2015 TO DECEMBER 31, 2016

This report was initially distributed to:

The Honorable Leslie Richards
Secretary
Department of Transportation

Township of Chester
Delaware County
1150 Engle Street
Chester, PA 19013

The Honorable Calvin Bernard
Chairman of the Board of Supervisors

Ms. Dana Smith
Bookkeeper

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.