

# ATTESTATION ENGAGEMENT

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Borough of Landingville  
Schuylkill County, Pennsylvania  
53-410

Liquid Fuels Tax Fund  
For the Period  
January 1, 2014 to December 31, 2016

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July 2017



Commonwealth of Pennsylvania  
Department of the Auditor General

Eugene A. DePasquale • Auditor General

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Department of the 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 Borough of Landingville, Schuylkill County, for the period January 1, 2014 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 fairly stated based on 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 judgment, 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*.

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

### Independent Auditor's Report (Continued)

As discussed in Finding No. 1, the 2014 allocation of \$4,301.69, which was distributed by the Department of Transportation to the municipality on September 24, 2015, was not deposited into the Liquid Fuels Tax Fund.

In our opinion, except for the matter discussed in the preceding paragraph, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Borough of Landingville, Schuylkill County, for the period January 1, 2014 to December 31, 2016, in conformity with the criteria set forth in Note 1.

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

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

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

## Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of Borough of Landingville, Schuylkill 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*:

- Late Receipt Of Allocations And 2014 Allocation Not Deposited Into The Liquid Fuels Tax Fund - Recurring.
- Failure To Obtain Project Approval.

We are concerned that the municipality failed to correct a prior examination findings for late receipt of allocations. During our current examination the municipality received its allocations late and failed to obtain project approval. Because the municipality failed to file documents and information timely and failed to deposit the 2014 allocation into the Liquid Fuels Tax Fund, the municipality did not have use of the 2014 allocation as of the exit conference date of this examination of May 11, 2017, the 2015 allocation for more than 15 months, and the 2016 allocation for more than 6 months. Additionally, the failure to follow the Liquid Fuels Tax Municipal Allocation Law as noted above could result in the municipality having to reimburse \$4,301.69 to its Liquid Fuels Tax Fund. The municipality should strive to comply with the recommendations and corrective actions noted in this report.

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 Borough of Landingville, Schuylkill 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

July 4, 2017

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BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2014 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.

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2014 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 31<sup>st</sup> and the Survey of Financial Condition By March 15<sup>th</sup>.
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.

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
2014 FORM MS-965 – SECTION 1  
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Major equipment purchases	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	-	-	-
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Bank service charges)	<u>122.52</u>	<u>-</u>	<u>122.52</u>
 Total (To Section 2, Line 5)	 <u>\$ 122.52</u>	 <u>\$ -</u>	 <u>\$ 122.52</u>

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



BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
2014 FORM MS-965 – SECTION 2  
WITH ADJUSTMENTS

<u>Fund Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Balance, January 1, 2014	\$ 36.86	\$ -	\$ 36.86
Receipts:			
2. State allocation	4,521.54	-	4,521.54
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	4.21	-	4.21
2c. Miscellaneous	-	-	-
3. Total receipts	<u>4,525.75</u>	<u>-</u>	<u>4,525.75</u>
4. Total funds available	<u>4,562.61</u>	<u>-</u>	<u>4,562.61</u>
5. Expenditures (Section 1)	<u>122.52</u>	<u>-</u>	<u>122.52</u>
6. Balance, December 31, 2014	<u>\$ 4,440.09</u>	<u>\$ -</u>	<u>\$ 4,440.09</u>

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
2014 FORM MS-965 – SECTION 3  
WITH ADJUSTMENTS

<u>Equipment Balance</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
1. Prior year equipment balance	\$ 36.24	\$ -	\$ 36.24
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	904.31	-	904.31
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	940.55	-	940.55
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>940.55</u>	<u>-</u>	<u>940.55</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 940.55</u>	<u>\$ -</u>	<u>\$ 940.55</u>

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
2015 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	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	6,525.50	-	6,525.50
Traffic control devices	-	-	-
Street lighting	721.86	-	721.86
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	800.00	-	800.00
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Note 6)	10,616.53	(10,439.68)	176.85
 Total (To Section 2, Line 5)	 <u>\$ 18,663.89</u>	 <u>\$ (10,439.68)</u>	 <u>\$ 8,224.21</u>

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
2015 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, 2015	\$ 4,440.09	\$ -	\$ 4,440.09
Receipts:			
2. State allocation	10,439.68	(10,439.68)	-
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	8.88	-	8.88
2c. Miscellaneous (Note 5)	8,369.35	-	8,369.35
3. Total receipts	<u>18,817.91</u>	<u>(10,439.68)</u>	<u>8,378.23</u>
4. Total funds available	<u>23,258.00</u>	<u>(10,439.68)</u>	<u>12,818.32</u>
5. Expenditures (Section 1)	<u>18,663.89</u>	<u>(10,439.68)</u>	<u>8,224.21</u>
6. Balance, December 31, 2015	<u>\$ 4,594.11</u>	<u>\$ -</u>	<u>\$ 4,594.11</u>

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
2015 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	\$ 940.55	\$ -	\$ 940.55
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	2,087.94	(2,087.94)	-
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	3,028.49	(2,087.94)	940.55
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>3,028.49</u>	<u>(2,087.94)</u>	<u>940.55</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 3,028.49</u>	<u>\$ (2,087.94)</u>	<u>\$ 940.55</u>

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
2016 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	\$ -	\$ -	\$ -
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	1,170.00	-	1,170.00
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	4,400.00	(3,200.00)	1,200.00
Highway construction and rebuilding projects	-	3,200.00	3,200.00
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 5,570.00</u>	 <u>\$ -</u>	 <u>\$ 5,570.00</u>

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL 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	\$ 4,594.11	\$ -	\$ 4,594.11
Receipts:			
2. State allocation	12,725.74	-	12,725.74
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	18.65	-	18.65
2c. Miscellaneous (Note 5)	5,214.86	-	5,214.86
3. Total receipts	<u>17,959.25</u>	<u>-</u>	<u>17,959.25</u>
4. Total funds available	<u>22,553.36</u>	<u>-</u>	<u>22,553.36</u>
5. Expenditures (Section 1)	<u>5,570.00</u>	<u>-</u>	<u>5,570.00</u>
6. Balance, December 31, 2016	<u>\$ 16,983.36</u>	<u>\$ -</u>	<u>\$ 16,983.36</u>

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
2016 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	\$ 1,800.89	\$ (860.34)	\$ 940.55
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	2,545.15	-	2,545.15
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	4,346.04	(860.34)	3,485.70
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>4,346.04</u>	<u>(860.34)</u>	<u>3,485.70</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 4,346.04</u>	<u>\$ (860.34)</u>	<u>\$ 3,485.70</u>

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



BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 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, or less, than 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 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.

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 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.

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 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 Borough Code*, Title 53 P.S. § 46316, authorizes the borough 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.

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 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>\$16,983.36</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 \$4.21 during 2014, \$8.88 during 2015, and \$18.65 during 2016, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2015 - Section 1

An adjustment of \$(10,439.68) was made to "Miscellaneous" because these expenditures were overstated.

2015 - Section 2

An adjustment of \$(10,439.68) was made to "State allocation" because the 2014 allocation of \$4,301.69 and the 2015 allocation of \$6,137.99 were incorrectly reported as received and deposited into the Liquid Fuels Tax Fund during 2015 (see Finding No. 1).

2015 - Section 3

An adjustment of \$(2,087.94) was made to "Current year equipment allocation" because the 2014 and 2015 state allocations totaling \$10,439.68 from 2015 - Section 2, which were used to calculate this figure, were not received during 2015 (see Finding No. 1).

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2016

4. Adjustments (Continued)

2016 - Section 1

Adjustments were made to “Maintenance and repair of roads and bridges” and “Highway construction and rebuilding projects” because expenditures of \$3,200.00 were misclassified.

2016 - Section 3

An adjustment of \$(860.34) was made to “Prior year equipment balance” because an incorrect equipment balance was carried forward.

5. Miscellaneous Receipts

<u>Source</u>	<u>Description</u>	<u>2015</u>	<u>2016</u>
General Fund	Deposits in error (Note 6)	\$ 176.85	\$2,014.86
General Fund	Summary of 2009-2010 Examination Recommendations	7,160.00	-
General Fund	Summary of 2011-2013 Examination Recommendations	1,032.50	-
General Fund	Reimbursement (Finding No. 1)	-	3,200.00
Total		<u>\$8,369.35</u>	<u>\$5,214.86</u>

6. Deposits in Error

On March 7, 2015, the municipality deposited \$176.85 into its Liquid Fuels Tax Fund in error. On March 31, 2015, the municipality transferred this amount from its Liquid Fuels Tax Fund to its General Fund to correct the deposit in error.

On June 27, 2016, the municipality deposited \$2,014.86 into its Liquid Fuels Tax Fund in error. As of the date of this report, the municipality had not reimbursed this amount to its General Fund.

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2016

**Finding No. 1 - Late Receipt Of Allocations And 2014 Allocation Not Deposited  
Into The Liquid Fuels Tax Fund - Recurring**

We cited the municipality for a late receipt of allocation in our prior report for the period January 1, 2011 to December 31, 2013. Our current examination disclosed that the 2014, 2015, and 2016 Liquid Fuels Tax Fund allocations of \$4,301.69, \$6,137.99, and \$6,587.75 respectively, 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 September 24, 2015, June 20, 2016, and August 18, 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 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.

We further noted that the 2014 Liquid Fuels Tax Fund allocation had not been deposited into the Liquid Fuels Tax Fund as of the exit conference date of this examination of May 11, 2017. We were unable to determine where this money was deposited.

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 . . .

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2016

**Finding No. 1 - Late Receipt Of Allocations And 2014 Allocation Not Deposited  
Into The Liquid Fuels Tax Fund - Recurring (Continued)**

Because the municipality failed to file documents and information timely and failed to deposit the 2014 allocation into the Liquid Fuels Tax Fund as noted above, the municipality did not have use of the 2014 allocation as of the exit conference date of this examination of May 11, 2017, the 2015 allocation for more than 15 months, and the 2016 allocation for more than 6 months. 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. Additionally, the risk that Liquid Fuels Tax Fund money may be used for unauthorized purposes increases when liquid fuels money is commingled with other funds.

The failure to follow the Liquid Fuels Tax Municipal Allocation Law as noted above could result in the municipality having to reimburse \$4,301.69 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$4,301.69 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We again further 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.

We also recommend that the municipality deposit all liquid fuels tax money promptly into the Liquid Fuels Tax Fund.

Management's Response

The municipal officials stated:

Change of personnel not aware of January deadline.

Auditor's Conclusion

This is a recurring finding. We strongly recommend that the municipality comply with our recommendations. During our next examination, we will determine if the municipality complied with our recommendations.

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2016

**Finding No. 2 - Failure To Obtain Project Approval**

Our examination disclosed that the municipality expended \$3,200.00 for bridge repair. However, the municipality did not file an application with the Department of Transportation for the project and also failed to submit specifications for approval.

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 that nonpermissible expenditures include "Construction and reconstruction projects without prior PENNDOT approval."

Additionally, *Publication 9*, Chapter Two, Section 2.8, states, in part:

The following criteria is used to determine when a project is required for work on local roads utilizing Liquid Fuels Tax Funds, when construction, reconstruction and/or resurfacing work exceeds one inch or more in depth as well as other activities.

Bridges:	For bridge maintenance/preservation activities, confer with Municipal Services to determine if project approval is required. All rehabilitations, replacements, or any other work that affects the carrying capacity of the structure or waterway areas require project approval
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On June 27, 2016, the municipality reimbursed \$3,200.00 to the Liquid Fuels Tax Fund.

**Recommendation**

We recommend that before the municipality expends money on a project, it applies for and obtains prior approval for the project, and when the project is completed it obtains approval of the completed work.



BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
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FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2016

**Finding No. 2 - Failure To Obtain Project Approval (Continued)**

Management's Response

The municipal officials stated:

There was a misunderstanding on obtaining a project number.

Auditor's Conclusion

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF PRIOR EXAMINATIONS' RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2016

Summary Of 2009-2010 Examination Recommendations

In our 2009-2010 report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$7,160.00 to its Liquid Fuels Tax Fund for failure to obtain project approval.

During our current examination we reviewed a letter dated February 24, 2012, from the Department of Transportation informing the municipality to reimburse \$7,160.00 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on July 7, 2015.

Summary Of 2011-2013 Examination Recommendations

In our 2011-2013 report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$1,032.50 to its Liquid Fuels Tax Fund for undocumented expenditures.

During our current examination we reviewed a letter dated May 2015, from the Department of Transportation informing the municipality to reimburse \$1,032.50 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on June 22, 2015.

Additionally, in our prior report we noted that the municipality did not receive its 2012 Liquid Fuels Tax Fund of \$4,521.54 until July 14, 2014, and did not receive its 2013 Liquid Fuels Tax Fund allocation of \$5,067.10. The 2013 allocation is no longer available to the municipality.

In our prior report we also recommended that the municipality:

- Ensure good internal controls over expenditures by maintaining adequate documentation to support all expenditures.
- Comply with the Department of Transportation's *Publication 9* to ensure the allocations are received timely.

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF EXIT CONFERENCE  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2016

An exit conference was held May 11, 2017. Those participating were:

BOROUGH OF LANDINGVILLE

Ms. Denise A. Yakimo, Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Vernon J. Brennan, Auditor

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

BOROUGH OF LANDINGVILLE  
SCHUYLKILL COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2014 TO DECEMBER 31, 2016

This report was initially distributed to:

**The Honorable Leslie Richards**  
Secretary  
Department of Transportation

**Borough of Landingville**  
Schuylkill County  
8 Park Street  
Landingville, PA 17972

**The Honorable James Schaeffer**  
President of Council

**Ms. Denise A. Yakimo**  
Secretary/Treasurer

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