

ATTESTATION ENGAGEMENT

Borough of West York

York County, Pennsylvania

66-430

Liquid Fuels Tax Fund

For the Period

January 1, 2019 to December 31, 2022

August 2023



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



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TIMOTHY L. DEFOOR
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Michael Carroll
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 West York, York County, for the period January 1, 2019 to December 31, 2022. The municipality's management is responsible for presenting the Forms MS-965 in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*. Our responsibility is to express an opinion on the Forms MS-965 With Adjustments based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. An examination involves performing procedures to obtain reasonable assurance about whether the Forms MS-965 are presented in accordance with the criteria described above, 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 required to be independent and to meet our other ethical responsibilities in accordance with ethical requirements relating to the engagement.

As described in the Auditor Description Of Select Transactions section of this report, the adjustments included on the Forms MS-965 With Adjustments are made by the Department of the Auditor General.

Independent Auditor's Report (Continued)

In our opinion, 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 West York, York County, for the period January 1, 2019 to December 31, 2022, in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*.

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.

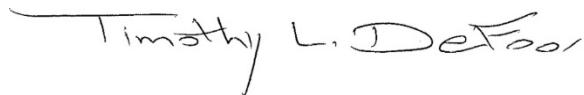
Independent Auditor's Report (Continued)

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

- Liquid Fuels Money Transferred To The General Fund.
- Over Expended Equipment Purchase Tally.

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 West York, York County, to us during the course of our examination. If you have any questions, please feel free to contact the Bureau of County Audits at 717-787-1363.



Timothy L. DeFoor
Auditor General
July 19, 2023

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BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background

The Liquid Fuels Tax Municipal Allocation Law, Act 655 of 1956, as amended, see also 72 P.S. § 2615.5, et sec., provides municipalities other than counties (i.e., 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 upon: (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.

Title 75 Pa.C.S. § 9511 of the Pennsylvania Vehicle Code 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 WEST YORK
 YORK COUNTY
 LIQUID FUELS TAX FUND
 BACKGROUND
 FOR THE PERIOD
 JANUARY 1, 2019 TO DECEMBER 31, 2022

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.

Criteria

The criteria for the Form MS-965 With Adjustment are described below.

Section 1 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:

2019	2020	2021	2022
\$11,100.00	\$11,300.00	\$11,500.00	\$11,800.00

- 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:

2019	2020	2021	2022
\$11,100.00	\$11,300.00	\$11,500.00	\$11,800.00

- Agility projects are exchanges of services with the Department of Transportation.

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background (Continued)

Section 2 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.
- Expenditures include the total transferred from Section 1.

Section 3 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.

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Background (Continued)

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 Form MS-965 has 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 Form MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity.

Basis Of Accounting

The accompanying Forms MS-965 With Adjustments is prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation. Under this method, revenues are recognized when received and expenditures are recorded when paid.

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.

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2019 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ -	\$ -	\$ -
Computer/Computer related training	-	-	-
Major equipment purchases	63,124.46	-	63,124.46
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	6,970.04	-	6,970.04
Traffic control devices	7,797.60	-	7,797.60
Street lighting	60,881.43	-	60,881.43
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	2,340.56	-	2,340.56
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 141,114.09</u>	 <u>\$ -</u>	 <u>\$ 141,114.09</u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2019 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, 2019	\$ 774,071.45	\$ -	\$ 774,071.45
Receipts:			
2. State allocation	120,606.19	-	120,606.19
2a. Turnback allocation	-	-	-
2b. Interest on investments	17,031.74	-	17,031.74
2c. Miscellaneous	-	-	-
3. Total receipts	<u>137,637.93</u>	<u>-</u>	<u>137,637.93</u>
4. Total funds available	<u>911,709.38</u>	<u>-</u>	<u>911,709.38</u>
5. Expenditures (Section 1)	<u>141,114.09</u>	<u>-</u>	<u>141,114.09</u>
6. Balance, December 31, 2019	<u><u>\$ 770,595.29</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 770,595.29</u></u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2019 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	\$ 85,948.59	\$ -	\$ 85,948.59
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	24,121.24	-	24,121.24
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	110,069.83	-	110,069.83
5. Less: Major equipment expenditures	63,124.46	-	63,124.46
6. Remainder	<u>46,945.37</u>	<u>-</u>	<u>46,945.37</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 46,945.37</u>	<u>\$ -</u>	<u>\$ 46,945.37</u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2020 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ 808.00	\$ -	\$ 808.00
Computer/Computer related training	-	-	-
Major equipment purchases	47,682.46	-	47,682.46
Agility projects	-	-	-
Cleaning streets and gutters	6,476.66	-	6,476.66
Winter maintenance services	33,340.27	(.02)	33,340.25
Traffic control devices	48,381.38	20.00	48,401.38
Street lighting	85,838.18	-	85,838.18
Storm sewers and drains	5,770.84	-	5,770.84
Repairs of tools and machinery	2,148.32	-	2,148.32
Maintenance and repair of roads and bridges	39,707.72	388.88	40,096.60
Highway construction and rebuilding projects	193,408.30	(5.12)	193,403.18
Miscellaneous	388.88	(388.88)	-
 Total (To Section 2, Line 5)	 <u>\$ 463,951.01</u>	 <u>\$ 14.86</u>	 <u>\$ 463,965.87</u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2020 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, 2020	\$ 770,595.29	\$ -	\$ 770,595.29
Receipts:			
2. State allocation	117,390.81	-	117,390.81
2a. Turnback allocation	-	-	-
2b. Interest on investments	3,155.08	(143.79)	3,011.29
2c. Miscellaneous	-	158.65	158.65
3. Total receipts	<u>120,545.89</u>	<u>14.86</u>	<u>120,560.75</u>
4. Total funds available	<u>891,141.18</u>	<u>14.86</u>	<u>891,156.04</u>
5. Expenditures (Section 1)	<u>463,951.01</u>	<u>14.86</u>	<u>463,965.87</u>
6. Balance, December 31, 2020	<u><u>\$ 427,190.17</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 427,190.17</u></u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2020 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	\$ 46,945.37	\$ -	\$ 46,945.37
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	23,478.16	-	23,478.16
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	70,423.53	-	70,423.53
5. Less: Major equipment expenditures	47,682.46	-	47,682.46
6. Remainder	<u>22,741.07</u>	<u>-</u>	<u>22,741.07</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 22,741.07</u>	<u>\$ -</u>	<u>\$ 22,741.07</u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2021 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ 522.98	\$ -	\$ 522.98
Computer/Computer related training	206.02	(206.02)	-
Major equipment purchases	47,682.46	-	47,682.46
Agility projects	-	-	-
Cleaning streets and gutters	11,540.00	-	11,540.00
Winter maintenance services	18,515.98	-	18,515.98
Traffic control devices	16,568.29	-	16,568.29
Street lighting	73,445.17	.10	73,445.27
Storm sewers and drains	10,200.00	-	10,200.00
Repairs of tools and machinery	6,420.79	-	6,420.79
Maintenance and repair of roads and bridges	60,289.76	1,111.97	61,401.73
Highway construction and rebuilding projects	262,936.83	-	262,936.83
Miscellaneous	1,026.28	(716.28)	310.00
 Total (To Section 2, Line 5)	 <u>\$ 509,354.56</u>	 <u>\$ 189.77</u>	 <u>\$ 509,544.33</u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2021 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, 2021	\$ 427,190.17	\$ -	\$ 427,190.17
Receipts:			
2. State allocation	108,996.82	-	108,996.82
2a. Turnback allocation	-	-	-
2b. Interest on investments	94.13	(.23)	93.90
2c. Miscellaneous	72.00	190.00	262.00
3. Total receipts	<u>109,162.95</u>	<u>189.77</u>	<u>109,352.72</u>
4. Total funds available	<u>536,353.12</u>	<u>189.77</u>	<u>536,542.89</u>
5. Expenditures (Section 1)	<u>509,354.56</u>	<u>189.77</u>	<u>509,544.33</u>
6. Balance, December 31, 2021	<u><u>\$ 26,998.56</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 26,998.56</u></u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2021 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	\$ 22,741.07	\$ -	\$ 22,741.07
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	21,799.36	-	21,799.36
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	44,540.43	-	44,540.43
5. Less: Major equipment expenditures	<u>47,682.46</u>	<u>-</u>	<u>47,682.46</u>
6. Remainder	<u>(3,142.03)</u>	<u>-</u>	<u>(3,142.03)</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>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2022 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ 615.00	\$ -	\$ 615.00
Computer/Computer related training	-	-	-
Major equipment purchases	26,884.46	-	26,884.46
Agility projects	-	-	-
Cleaning streets and gutters	3,875.20	-	3,875.20
Winter maintenance services	183.33	-	183.33
Traffic control devices	65,360.74	(27,000.00)	38,360.74
Street lighting	53,434.10	-	53,434.10
Storm sewers and drains	-	-	-
Repairs of tools and machinery	6,790.47	-	6,790.47
Maintenance and repair of roads and bridges	2,523.49	31.20	2,554.69
Highway construction and rebuilding projects	-	-	-
Miscellaneous	76.20	26,968.80	27,045.00
 Total (To Section 2, Line 5)	 <u>\$ 159,742.99</u>	 <u>\$ -</u>	 <u>\$ 159,742.99</u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2022 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, 2022	\$ 26,998.56	\$ -	\$ 26,998.56
Receipts:			
2. State allocation	116,195.00	-	116,195.00
2a. Turnback allocation	-	-	-
2b. Interest on investments	4.76	-	4.76
2c. Miscellaneous	30,142.03	-	30,142.03
3. Total receipts	146,341.79	-	146,341.79
4. Total funds available	173,340.35	-	173,340.35
5. Expenditures (Section 1)	159,742.99	-	159,742.99
6. Balance, December 31, 2022	<u>\$ 13,597.36</u>	<u>\$ -</u>	<u>\$ 13,597.36</u>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
2022 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	\$ (3,142.03)	\$ 3,142.03	\$ -
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	23,239.00	-	23,239.00
3. PENNDOT approved adjustments	<u>3,142.03</u>	<u>(3,142.03)</u>	<u>-</u>
4. Total funds available for equipment acquisition	23,239.00	-	23,239.00
5. Less: Major equipment expenditures	<u>26,884.46</u>	<u>-</u>	<u>26,884.46</u>
6. Remainder	<u>(3,645.46)</u>	<u>-</u>	<u>(3,645.46)</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>

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

The following information relates to certain types of transactions for which the Pennsylvania Department of Transportation requested that we provide additional detail:

Adjustments

2020 - Section 1

An adjustment of \$(.02) was made to “Winter maintenance services” because check No. 445 was reported as \$1,910.22 but was issued for \$1,910.20.

An adjustment of \$20.00 was made to “Traffic control devices” because check No. 10054 was reported as \$7,865.00 but was issued for \$7,885.00.

Adjustments were made to “Maintenance and repair of roads and bridges” and “Miscellaneous” because expenditures of \$388.88 were misclassified.

An adjustment of \$(5.12) was made to “Highway construction and rebuilding projects” because check No. 440 was reported as \$1,436.61 but was issued for \$1,431.49.

2020 - Section 2

An adjustment of \$(143.79) was made to “Interest on investments” because interest earnings were overstated.

An adjustment of \$158.65 was made to “Miscellaneous” because these receipts were not reported.

2021 - Section 1

An adjustment of \$(206.02) was made to “Computer/computer related training” because these expenditures for maintenance and repair of roads and bridges were misclassified.

An adjustment of \$.10 was made to “Street lighting” because check No. 10123 was reported as \$5,931.84 but was issued for \$5,931.94.

An adjustment of \$1,111.97 was made to “Maintenance and repair of roads and bridges” because expenditures of \$206.02 were misclassified as computer/computer related training and expenditures of \$905.95 were misclassified as miscellaneous.

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

Adjustments (Continued)

2021 - Section 1 (Continued)

An adjustment of \$(716.28) was made to “Miscellaneous” because expenditures of \$905.95 for maintenance and repair of roads and bridges were misclassified, bank service charges of \$190.00 were not reported, and these expenditures were overstated by \$.33.

2021 - Section 2

An adjustment of \$(.23) was made to “Interest on investments” because interest earnings were overstated.

An adjustment of \$190.00 was made to “Miscellaneous” because reimbursements for bank service charges were not reported.

2022 - Section 1

Adjustments were made to “Traffic control devices,” “Maintenance and repair of roads and bridges,” and “Miscellaneous” because expenditures of \$27,000.00 were misclassified.

2022 - Section 3

An adjustment of \$3,142.03 was made to “Prior year equipment balance” because an incorrect equipment balance was carried forward.

An adjustment of \$(3,142.03) was made to “PENNDOT approved adjustments” because there were no approved adjustments.

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 LIQUID FUELS TAX FUND
 AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
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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>2020</u>	<u>2021</u>	<u>2022</u>
Capital Reserve Fund	Grant	\$158.65	\$ -	\$ -
Financial Institution	Refund of bank service charges	-	262.00	-
General Fund	Reimbursement (Finding No. 2)	-	-	3,142.03
General Fund	Reimbursement (Finding No. 1)	-	-	27,000.00
Totals		<u>\$158.65</u>	<u>\$262.00</u>	<u>\$30,142.03</u>

Miscellaneous Expenditures

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

<u>Payee</u>	<u>Description</u>	<u>2021</u>	<u>2022</u>
Financial Institution	Bank service charges	\$310.00	\$ 45.00
General Fund	Transfer (Finding No. 1)	-	27,000.00
Totals		<u>\$310.00</u>	<u>\$27,045.00</u>

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Lease-Purchase Agreement

On May 30, 2019, the municipality entered into a lease-purchase agreement with M&T Bank to purchase an asphalt kettle for \$8,732.09, a line painting machine for \$7,398.00, a traffic sign and design system for \$14,770.00, and a case backhoe for \$93,262.00 for a total of \$124,162.09. The agreement was for a term of five years at an interest rate of 3.88 percent. Principal and interest payments of \$26,884.46 are due annually.

During the current examination period, the municipality paid principal of \$98,298.91 and interest of \$9,238.93 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2019, 2020, 2021, and 2022 Forms MS-965 - Section 1. The outstanding balance of the lease-purchase agreement as of December 31, 2022, was \$25,863.18, plus interest

Lease-Purchase Agreement

On September 3, 2019, the municipality entered into a lease-purchase agreement to purchase a 2019 Isuzu Street Sweeper for \$161,240.00. The municipality made a down payment of \$36,240.00 from the Liquid Fuels Tax Fund. The municipality borrowed the remaining \$125,000.00 from Santander Bank. The agreement was for a term of seven years at an interest rate of 3.95 percent. Principal and interest payments of \$20,798.00 are due annually.

During the current examination period, principal of \$32,285.82 and interest of \$9,310.18 from the Liquid Fuels Tax Fund. These amounts and the down payment are reflected in major equipment purchases on the 2019, 2020, and 2021 Forms MS-965 - Section 1. Additionally, the municipality paid principal of \$17,134.00 and interest of \$3,664.00 from the General Fund. The outstanding balance of the lease-purchase agreement as of December 31, 2022, was \$75,580.18, plus interest.

BOROUGH OF WEST YORK
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LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
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Finding No. 1 - Liquid Fuels Money Transferred To The General Fund

Our examination disclosed that on February 22, 2022, the municipality transferred \$27,000.00 of Liquid Fuels Tax Fund money to the General Fund, which is in noncompliance with the Liquid Fuels Tax Municipal Allocation Law.

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

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

We were unable to determine the cause of this condition.

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 municipality reimbursed \$27,000.00 to its Liquid Fuels Tax Fund on December 28, 2022.

Recommendation

We recommend that the municipality discontinues the practice of transferring Liquid Fuels Tax Fund money to other funds unless it is for the reimbursement of permissible Liquid Fuels Tax Fund expenditures.

Management's Response

The municipal officials offered no formal response at this time.

Auditor's Conclusion

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

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FINDINGS AND RECOMMENDATIONS
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Finding No. 2 - Over Expended Equipment Purchase Tally

Our examination disclosed that the municipality expended \$3,142.03 in 2021 and \$3,645.46 in 2022 from its Liquid Fuels Tax Fund in excess of the amount available for the purchase of equipment for the 2021 and 2022, as follows:

<u>2021</u>	<u>Actual</u>	<u>Totals</u>
1. Prior year equipment balance	\$22,741.07	
2. Current year equipment allocation (20% of Lines 2 + 2A, Section 2)	21,799.36	
3. PENNDOT approved adjustments	<u>-</u>	
4. Total funds available for equipment acquisition	44,540.43	
5. Less: Major equipment purchases	<u>47,682.46</u>	
6. Amount Over Expended for equipment - 2021		\$(3,142.03)
 <u>2022</u>		
1. Prior year equipment balance	-	
2. Current year equipment allocation (20% of Lines 2 + 2A, Section 2)	23,239.00	
3. PENNDOT approved adjustments	<u>-</u>	
4. Total funds available for equipment acquisition	23,239.00	
5. Less: Major equipment purchases	<u>26,884.46</u>	
6. Amount Over Expended for equipment - 2022		<u>(3,645.46)</u>
Two Year Total		<u>\$(6,787.49)</u>

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Finding No. 2 - Over Expended Equipment Purchase Tally (Continued)

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.

On February 8, 2022, the municipality reimbursed \$3,142.03 to the Liquid Fuels Tax Fund. Additionally, on January 24, 2023, the municipality reimbursed \$3,645.46 to the Liquid Fuels Tax Fund, which was subsequent to our examination period.

We were unable to determine the cause of this condition.

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*.

Management's Response

The borough manager stated:

We understand why and will make an adjustment to our process, however, we want to make clear this is the process PennDOT had us use both years. In the future, we will pay the invoice out of the General Fund and reimburse the funds.

Auditor's Conclusion

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

BOROUGH OF WEST YORK
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LIQUID FUELS TAX FUND
SUMMARY OF PRIOR EXAMINATION RECOMMENDATION
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Summary Of Prior Examination Recommendation

In our prior report, we recommended that the municipality continue to deposit all liquid fuels tax fund money promptly into the Liquid Fuels Tax Fund.

During our current examination, we noted that the municipality complied with our recommendation.

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SUMMARY OF ONSITE CLOSEOUT MEETING
FOR THE PERIOD
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An onsite closeout meeting was held May 9, 2023. Those participating were:

BOROUGH OF WEST YORK

Mr. Shawn Mauck, Borough Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Ryan W. Shrauder, Audit Supervisor

Mr. Joshua Sherdel, Audit Intern

BOROUGH OF WEST YORK
YORK COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2019 TO DECEMBER 31, 2022

This report was initially distributed to:

The Honorable Michael Carroll
Secretary
Department of Transportation

Borough of West York
York County
1381 West Poplar Street
York, PA 17404

The Honorable Mary Wagner
President of Council

Mr. Shawn Mauck
Borough Manager

This report is a matter of public record and is available online at www.PaAuditor.gov. Media questions about the report can be directed to the Pennsylvania Department of the Auditor General, Office of Communications, 229 Finance Building, Harrisburg, PA 17120; via email to: news@PaAuditor.gov.