



BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
23-410

LIQUID FUELS TAX FUND  
EXAMINATION REPORT

FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

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BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

Background

The Liquid Fuels Tax Municipal Allocation Law, Title 72 P.S. § 2615.5, provides municipalities other than counties (townships, boroughs, cities, towns, home rule, and optional plan governments) with an annual allocation of liquid fuels taxes from the state's Motor License Fund to be used for the maintenance and repair of streets, roads, and bridges for which the municipality is responsible. The allocation of these funds to municipalities is based: (1) 50 percent on the municipality's proportion of local road mileage to the total local road mileage in the state, and (2) 50 percent on the proportion of a municipality's population to the total population in the state.

*The Vehicle Code*, Title 75 P.S. § 9511, provides municipalities with annual maintenance payments to be received from the Motor License Fund for functionally local highways that were transferred to a municipality from the Commonwealth of Pennsylvania.

Each municipality must deposit the Liquid Fuels Tax Fund money and annual maintenance payments that it receives into a special fund called the Municipal Liquid Fuels Tax Fund or State Fund. A municipality may not deposit any other monies into this fund except when the municipality does not have enough money in the special fund to meet the payments called for by its current annual budget for road and bridge purposes. In this case, the municipality may borrow money or transfer money from its General Fund to its Liquid Fuels Tax Fund.

The Department of Transportation has been given the regulatory authority for the administration of these funds. To qualify for its annual allocation, each municipality shall submit the following documents and information to the Department of Transportation:

1. Evidence that the treasurer is bonded in accordance with the law, or that its treasurer is a bank requiring no bond by January 31 of each year.
2. A report indicating the manner in which its liquid fuels tax allocation was expended in the previous year (Form MS-965) by January 31 of each year.
3. A report of elected and appointed officials by January 31 of each year.
4. A Survey of Financial Condition by March 15 of each year.

Department of Transportation *Publication 9* contains the policies and procedures that govern the use of Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.



## Independent Auditor's Report

The Honorable Allen D. Biehler, P.E.  
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 Folcroft, Delaware County, for the three years ended December 31, 2008. The municipality's management is responsible for the Forms MS-965. Our responsibility is to express an opinion on the Forms MS-965 With Adjustments based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States. An examination includes examining, on a test basis, evidence supporting the Borough of Folcroft, Delaware County's Forms MS-965 for the three years ended December 31, 2008 and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are mandated by Section 403 of *The Fiscal Code*, 72 P.S. § 403, to audit each municipality's Liquid Fuels Tax Fund to ensure that funds received are expended in accordance with applicable laws and regulations. *Government Auditing Standards* issued by the Comptroller General of the United States include attestation engagements as a separate type of audit. An attestation engagement performed pursuant to *Government Auditing Standards* involves additional standards that exceed the standards provided by the American Institute of Certified Public Accountants. Accordingly, this attestation engagement complies with both *Government Auditing Standards* and Section 403 of *The Fiscal Code*.

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

As discussed in Finding No. 1 of this report, the municipality expended \$32,400.00 in excess of the approved amount for construction project No. 08234101CA in 2008. Additionally, as discussed in Finding No. 2, the municipality expended \$10,656.31 in excess of the approved amount for street lighting in 2006.

### Independent Auditor's Report (Continued)

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 Borough of Folcroft, Delaware County, for the three years ended December 31, 2008, in conformity with the criteria set forth in Note 1.

In accordance with *Government Auditing Standards*, we are required to report findings of significant deficiencies in internal control, violations of provisions of contracts or grant agreements, and abuse that are material to the Forms MS-965 and any fraud and illegal acts that are more than inconsequential that come to our attention during our examination. We are also required to obtain the views of management on those matters. We performed our examination to express an opinion on whether the Forms MS-965 are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control over reporting on the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

A control deficiency 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 misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Borough of Folcroft, Delaware County's ability to initiate, authorize, record, process, or report data reliably in accordance with the applicable criteria such that there is more than a remote likelihood that a misstatement of the Borough of Folcroft, Delaware County's Forms MS-965 that is more than inconsequential will not be prevented or detected by the Borough of Folcroft, Delaware County's internal control.

A material weakness is a significant deficiency or combination of significant deficiencies that results in more than a remote likelihood that a material misstatement of the Forms MS-965 will not be prevented or detected by the Borough of Folcroft, Delaware County's internal control. Our consideration of the internal control over reporting on the Forms MS-965 would not necessarily disclose all matters in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses.

Independent Auditor's Report (Continued)

The results of our tests disclosed the following instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- Liquid Fuels Money Overexpended On Project.
- Overexpenditure Of Street Lighting Costs.

We are concerned in light of the municipality's failure to correct a previously reported examination finding for an overexpenditure of street lighting costs. During our current examination the municipality overexpended Liquid Fuels Tax Fund money on a project and overexpended street lighting costs. The municipality should strive to implement the recommendations and corrective actions noted in this report.

This report is intended solely for the information and use of the Pennsylvania Department of Transportation and the management of the Borough of Folcroft, Delaware County, and is not intended to be and should not be used by anyone other than these specified parties.

May 14, 2009

JACK WAGNER  
Auditor General





BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2006 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	1,476.06	-	1,476.06
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	967.07	-	967.07
Traffic control devices	3,218.61	-	3,218.61
Street lighting	16,855.55	3,100.00	19,955.55
Storm sewers and drains	-	-	-
Repairs of tools and machinery	7,049.33	(24.37)	7,024.96
Maintenance and repair of roads and bridges	6,352.97	22,043.91	28,396.88
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Bank service charges)	656.54	(460.54)	196.00
 Total (To Section 2, Line 5)	 <u>\$ 36,576.13</u>	 <u>\$ 24,659.00</u>	 <u>\$ 61,235.13</u>

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

BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2006 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, 2006	\$ 37,384.14	\$ (8,868.57)	\$ 28,515.57
Receipts:			
2. State allocation	101,738.81	-	101,738.81
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	2,572.20	274.07	2,846.27
2c. Miscellaneous (Comment)	10,333.62	-	10,333.62
3. Total receipts	<u>114,644.63</u>	<u>274.07</u>	<u>114,918.70</u>
4. Total funds available	<u>152,028.77</u>	<u>(8,594.50)</u>	<u>143,434.27</u>
5. Expenditures (Section 1)	<u>36,576.13</u>	<u>24,659.00</u>	<u>61,235.13</u>
6. Balance, December 31, 2006	<u><u>\$ 115,452.64</u></u>	<u><u>\$ (33,253.50)</u></u>	<u><u>\$ 82,199.14</u></u>

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

BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2006 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	\$ 25,002.82	\$ -	\$ 25,002.82
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	20,347.76	-	20,347.76
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	45,350.58	-	45,350.58
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>45,350.58</u>	<u>-</u>	<u>45,350.58</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 45,350.58</u>	<u>\$ -</u>	<u>\$ 45,350.58</u>

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

BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2007 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	434.29	-	434.29
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	44,193.86	(29,934.12)	14,259.74
Winter maintenance services	4,373.12	-	4,373.12
Traffic control devices	1,481.61	-	1,481.61
Street lighting	-	-	-
Storm sewers and drains	12,061.20	-	12,061.20
Repairs of tools and machinery	949.61	-	949.61
Maintenance and repair of roads and bridges	2,612.25	29,934.12	32,546.37
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 66,105.94</u>	 <u>\$ -</u>	 <u>\$ 66,105.94</u>

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

BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2007 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, 2007	\$ 115,452.64	\$ (33,253.50)	\$ 82,199.14
Receipts:			
2. State allocation	105,313.95	-	105,313.95
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	5,162.91	-	5,162.91
2c. Miscellaneous	-	-	-
3. Total receipts	<u>110,476.86</u>	<u>-</u>	<u>110,476.86</u>
4. Total funds available	<u>225,929.50</u>	<u>(33,253.50)</u>	<u>192,676.00</u>
5. Expenditures (Section 1)	<u>66,105.94</u>	<u>-</u>	<u>66,105.94</u>
6. Balance, December 31, 2007	<u><u>\$ 159,823.56</u></u>	<u><u>\$ (33,253.50)</u></u>	<u><u>\$ 126,570.06</u></u>

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

BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2007 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	\$ 45,350.58	\$ -	\$ 45,350.58
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	21,062.79	-	21,062.79
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	66,413.37	-	66,413.37
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>66,413.37</u>	<u>-</u>	<u>66,413.37</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 66,413.37</u>	<u>\$ -</u>	<u>\$ 66,413.37</u>

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

BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2008 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	708.39	-	708.39
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	14,041.46	(9,546.83)	4,494.63
Winter maintenance services	3,443.00	-	3,443.00
Traffic control devices	22,942.15	-	22,942.15
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	950.39	-	950.39
Maintenance and repair of roads and bridges	3,210.44	9,546.83	12,757.27
Highway construction and rebuilding projects	85,801.12	-	85,801.12
Miscellaneous	-	-	-
	<hr/>	<hr/>	<hr/>
Total (To Section 2, Line 5)	<u>\$ 131,096.95</u>	<u>\$ -</u>	<u>\$ 131,096.95</u>

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



BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2008 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, 2008	\$ 126,570.06	\$ -	\$ 126,570.06
Receipts:			
2. State allocation	116,393.55	-	116,393.55
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	1,883.06	-	1,883.06
2c. Miscellaneous	-	-	-
3. Total receipts	<u>118,276.61</u>	<u>-</u>	<u>118,276.61</u>
4. Total funds available	<u>244,846.67</u>	<u>-</u>	<u>244,846.67</u>
5. Expenditures (Section 1)	<u>131,096.95</u>	<u>-</u>	<u>131,096.95</u>
6. Balance, December 31, 2008	<u><u>\$ 113,749.72</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 113,749.72</u></u>

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

BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2008 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	\$ 66,413.37	\$ -	\$ 66,413.37
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	23,278.71	-	23,278.71
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	89,692.08	-	89,692.08
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>89,692.08</u>	<u>-</u>	<u>89,692.08</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 89,692.08</u>	<u>\$ -</u>	<u>\$ 89,692.08</u>

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

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

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 that cost in excess of \$4,000.00.
- Minor equipment purchases are purchases of road machinery and road equipment that cost \$4,000.00 or less.
- 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 generally received from the Department of Transportation during the first week in April of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- The turnback allocation is generally received from the Department of Transportation during the first week in April of each year. 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.
- 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.

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

1. Criteria (Continued)

Section 3 (Continued)

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.

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.

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

1. Criteria (Continued)

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's 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.

There were no deposits exposed to custodial credit risk as of December 31, 2008. Custodial credit risk, as defined by GASB No. 40, includes deposits that are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution's trust department or agent but not in the municipality's name.

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

2. Deposits (Continued)

Fund Balance

The fund balance as of December 31, 2008 consists of the following:

Cash	<u>\$113,749.72</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 2,846.27 during 2006, \$5,162.91 during 2007, and \$1,883.06 during 2008, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2006 - Section 1

An adjustment of \$3,100.00 was made to "Street Lighting" because check No. 817 was reported as \$344.54 but was issued for \$3,444.54.

An adjustment of \$(24.37) was made to "Repairs of tools and machinery" because check No. 895 was voided but was included as an expenditure.

An adjustment of \$22,043.91 was made to "Maintenance and repair of roads and bridges" because transfers for payroll totaling \$21,387.37 were not reported and expenditures of \$656.54 were misclassified as miscellaneous.

An adjustment of \$(460.54) was made to "Miscellaneous" because bank service charges of \$196.00 were not reported and expenditures of \$656.54 for maintenance and repair of roads and bridges were misclassified.

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

4. Adjustments (Continued)

2006 - Section 2

An adjustment of \$(8,868.57) was made to “Balance, January 1, 2006” because of prior report adjustments that were not carried forward in the fund balance.

An adjustment of \$274.07 was made to “Interest on investments” because interest earnings were understated.

2007 - Section 1

Adjustments were made to “Cleaning streets and gutters” and “Maintenance and repair of roads and bridges” because expenditures of \$29,934.12 were misclassified.

2007 - Section 2

An adjustment of \$(33,253.50) was made to “Balance, January 1, 2007” to reflect the adjustments made in 2006 - Section 1 and - Section 2.

2008 - Section 1

Adjustments were made to “Cleaning streets and gutters” and “Maintenance and repair of roads and bridges” because expenditures of \$9,546.83 were misclassified.

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

Finding No. 1 - Liquid Fuels Money Overexpended On Project

Our examination disclosed that in 2008 the municipality expended \$85,801.12 of Liquid Fuels Tax Fund money on construction project No. 08234101CA. However, the amount approved to be expended from the Liquid Fuels Tax Fund for this project was \$53,401.12. The difference of \$32,400.00 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.

The failure to comply with the Department of Transportation's Regulations could result in the municipality having to reimburse \$32,400.00 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$32,400.00 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further 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 offered no formal response at this time.



BOROUGH OF FOLCROFT  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 FINDINGS AND RECOMMENDATIONS  
 FOR THE THREE YEARS ENDED  
 DECEMBER 31, 2008

Finding No. 2 - Overexpenditure Of Street Lighting Costs

Our examination disclosed that the borough expended \$10,656.31 from the Liquid Fuels Tax Fund in excess of the approved amount for street lighting costs.

*The Borough Code*, 53 P.S. § 46302(a)(4), or § 1302 and § 1302(4) of *The Borough Code* as published by the Local Government Commission provide that:

The council of the borough shall have power, by ordinance, to levy and collect annually, a tax, not exceeding thirty mills for general borough purposes, unless the council by majority action shall, upon due cause shown by resolution, petition the court of common pleas, in which case the court may order a rate of not more than five mills additional to be levied and in addition thereto any of the following taxes: . . .

(4) For lighting and illuminating the streets, highways and other public places with electric light, gas light or other illuminant, not exceeding eight mills;. . .

We noted that the borough had levied a real estate tax assessment of 5.5 mills, of which .178 mills was imposed for street lighting costs for the year 2006.

The Department of Transportation's Regulations permit only those street lighting expenditures in excess of the tax actually collected for street lighting to be expended from the Liquid Fuels Tax Fund.

Our calculations are as follows:

2006 taxes assessed for street lighting	.178 mills	
Total real estate taxes assessed for 2006	5.5 mills	
.178 mills divided by 5.5 mills equals .032364		
2006 street lighting costs		\$44,237.37
Total real estate taxes collected for 2005	\$1,393,153.55	
Street lighting percentage	.032364	
2005 taxes collected for street lighting		45,088.02
Permissible amount to be paid from liquid fuels		-
Less – Amount expended from liquid fuels		10,656.31
Overexpenditure – 2006		\$10,656.31

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

Finding No. 2 - Overexpenditure Of Street Lighting Costs (Continued)

The failure to follow *The Borough Code* and the Department of Transportation's Regulations as noted above could result in the borough having to reimburse \$10,656.31 to its Liquid Fuels Tax Fund.

A similar finding was also written in our prior report.

Recommendations

We recommend that the borough reimburse \$10,656.31 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We again recommend that, in the future, the borough follow the Department of Transportation Regulations by limiting their street lighting expenditures from the Liquid Fuels Tax Fund only to lighting costs which exceed the tax amount collected for street lighting.

Management's Response

The borough officials offered no formal response at this time.

Auditor's Conclusion

This is a recurring finding. We strongly recommend that the municipality comply with our recommendations.

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
COMMENT  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

Comment - Summary Of Prior Examination Recommendations

In our prior report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$101,048.36 to its Liquid Fuels Tax Fund. This amount consists of \$90,714.74 for a failure to obtain project approval and \$10,333.62 for an overexpenditure of street lighting costs.

During our current examination we reviewed a letter dated February 9, 2007, from the Department of Transportation informing the municipality to reimburse \$10,333.62 to its Liquid Fuels Tax Fund. We further noted that the municipality reimbursed \$10,333.62 to its Liquid Fuels Tax Fund on March 28, 2006. Additionally, we reviewed a letter from the Department of Transportation dated April 11, 2008 informing the municipality that reimbursement of the remaining \$90,714.74 would not be required.

BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF EXIT CONFERENCE  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

An exit conference was held May 14, 2009. Those participating were:

BOROUGH OF FOLCROFT

Ms. Judith Serratore, Borough Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Robert Rosenfeldt, Auditor

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



BOROUGH OF FOLCROFT  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2008

This report was initially distributed to:

The Honorable Allen D. Biehler, P.E.  
Secretary  
Department of Transportation

Borough of Folcroft  
Delaware County  
1555 Elmwood Avenue  
Folcroft, PA 19032

The Honorable Marianne French

President of Council

Ms. Judith Serratore

Borough Manager

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, PA 17120. To view this report online or to contact the Department of the Auditor General, please access our web site at [www.auditorgen.state.pa.us](http://www.auditorgen.state.pa.us).