



TOWNSHIP OF HARMONY  
SUSQUEHANNA COUNTY  
57-214

LIQUID FUELS TAX FUND  
EXAMINATION REPORT

FOR THE TWO YEARS ENDED  
DECEMBER 31, 2009

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TOWNSHIP OF HARMONY  
SUSQUEHANNA COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE TWO YEARS ENDED  
DECEMBER 31, 2009

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.





**Department of the Auditor General  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania 17120-0018**

**JACK WAGNER  
AUDITOR GENERAL**

Independent Auditor's Report

The Honorable Barry J. Schoch, 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 Township of Harmony, Susquehanna County, for the two years ended December 31, 2009. 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 Township of Harmony, Susquehanna County's Forms MS-965 for the two years ended December 31, 2009 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.

Independent Auditor's Report (Continued)

As discussed in Finding No. 1, the municipality expended \$5,652.11 for fuel in 2008, \$4,505.00 for hauling of materials in 2008, and \$4,570.72 on wooden planks for a township bridge in 2009. However, price quotations were not available for examination. Additionally, as discussed in Finding No. 2, the municipality expended \$7,147.00 in 2008, for the rental of equipment from a company that is owned by a township supervisor. Additionally, during 2008 the municipality expended \$6,955.50 for the purchase of crushed stone from a company that is owned by another township supervisor. Furthermore, as discussed in Finding No. 3, the \$6,955.50 that was expended from the Liquid Fuels Tax Fund during 2008 for the crushed stone that was purchased from a township supervisor was not certified by the Department of Transportation.

As discussed in Comment No. 1, during our 2004-2005 examination period, the municipality expended \$25,088.00 for related party transactions. As of the date of this report the municipality had not reimbursed that amount to its Liquid Fuels Tax Fund. Additionally, as discussed in Comment No. 2, during the 2006-2007 examination period, the municipality expended \$24,383.75 on payroll but failed to maintain daily payroll time sheets identifying the nature of work performed and the location of work assignments. Additionally, the municipality expended \$17,453.50 for related party transactions. As of the date of this report the municipality had not reimbursed these amounts to its Liquid Fuels Tax Fund.

In our opinion, except for the matters discussed in the two preceding paragraphs, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Township of Harmony, Susquehanna County, for the two years ended December 31, 2009, in conformity with the criteria set forth in Note 1.

### Independent Auditor's Report (Continued)

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 Township of Harmony, Susquehanna 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 Township of Harmony, Susquehanna County's Forms MS-965 that is more than inconsequential will not be prevented or detected by the Township of Harmony, Susquehanna 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 Township of Harmony, Susquehanna County's internal control.

Our consideration of internal control over reporting on the Forms MS-965 was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any significant deficiencies or material weaknesses, as defined above, in internal control over reporting on the Forms MS-965.



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*:

- Documentation For Price Quotations Were Not Available For Examination.
- Related Party Transactions.
- Purchase Of Uncertified Stone.

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

- Late Receipt Of Allocations.

We are concerned in light of the municipality's failure to correct previously reported examination findings regarding related party transactions. During the current examination the municipality failed to maintain documentation for price quotations, made related party transactions, made nonpermissible expenditures, and received its 2008 and 2009 allocations late. The municipality should strive to implement the recommendations and corrective actions noted in this examination report.

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

November 18, 2010

JACK WAGNER  
Auditor General

TOWNSHIP OF HARMONY  
 SUSQUEHANNA 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	\$ 4,193.33	\$ -	\$ 4,193.33
Minor equipment purchases	-	-	-
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	355.91	-	355.91
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	6,408.20	-	6,408.20
Maintenance and repair of roads and bridges	52,248.61	(1,120.00)	51,128.61
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Bank service charges)	223.00	-	223.00
 Total (To Section 2, Line 5)	 <u>\$ 63,429.05</u>	 <u>\$ (1,120.00)</u>	 <u>\$ 62,309.05</u>

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

TOWNSHIP OF HARMONY  
 SUSQUEHANNA 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	\$ 10,173.47	\$ -	\$ 10,173.47
Receipts:			
2. State allocation	55,317.07	-	55,317.07
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	149.08	-	149.08
2c. Miscellaneous (Note 5)	<u>2,740.00</u>	<u>-</u>	<u>2,740.00</u>
3. Total receipts	<u>58,206.15</u>	<u>-</u>	<u>58,206.15</u>
4. Total funds available	<u>68,379.62</u>	<u>-</u>	<u>68,379.62</u>
5. Expenditures (Section 1)	<u>63,429.05</u>	<u>(1,120.00)</u>	<u>62,309.05</u>
6. Balance, December 31, 2008	<u><u>\$ 4,950.57</u></u>	<u><u>\$ 1,120.00</u></u>	<u><u>\$ 6,070.57</u></u>

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

TOWNSHIP OF HARMONY  
 SUSQUEHANNA COUNTY  
 LIQUID FUELS TAX FUND  
 2008 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	\$ 5,768.45	\$ 2,495.00	\$ 8,263.45
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	11,063.41	-	11,063.41
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	16,831.86	2,495.00	19,326.86
5. Less: Major equipment expenditures	4,193.33	-	4,193.33
6. Remainder	<u>12,638.53</u>	<u>2,495.00</u>	<u>15,133.53</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 4,950.57</u>	<u>\$ 1,120.00</u>	<u>\$ 6,070.57</u>

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

TOWNSHIP OF HARMONY  
 SUSQUEHANNA COUNTY  
 LIQUID FUELS TAX FUND  
 2009 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	6,902.40	-	6,902.40
Traffic control devices	-	-	-
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	3,580.01	-	3,580.01
Maintenance and repair of roads and bridges	29,765.66	-	29,765.66
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Bank service charges)	75.00	-	75.00
 Total (To Section 2, Line 5)	 <u>\$ 40,323.07</u>	 <u>\$ -</u>	 <u>\$ 40,323.07</u>

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

TOWNSHIP OF HARMONY  
 SUSQUEHANNA COUNTY  
 LIQUID FUELS TAX FUND  
 2009 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, 2009	\$ 6,070.57	\$ -	\$ 6,070.57
Receipts:			
2. State allocation	53,207.78	-	53,207.78
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	169.57	-	169.57
2c. Miscellaneous (Note 5)	4,465.00	-	4,465.00
3. Total receipts	<u>57,842.35</u>	<u>-</u>	<u>57,842.35</u>
4. Total funds available	<u>63,912.92</u>	<u>-</u>	<u>63,912.92</u>
5. Expenditures (Section 1)	<u>40,323.07</u>	<u>-</u>	<u>40,323.07</u>
6. Balance, December 31, 2009	<u><u>\$ 23,589.85</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 23,589.85</u></u>

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

TOWNSHIP OF HARMONY  
 SUSQUEHANNA COUNTY  
 LIQUID FUELS TAX FUND  
 2009 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	\$ 6,070.57	\$ -	\$ 6,070.57
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	10,641.56	-	10,641.56
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	16,712.13	-	16,712.13
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>16,712.13</u>	<u>-</u>	<u>16,712.13</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 16,712.13</u>	<u>\$ -</u>	<u>\$ 16,712.13</u>

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

TOWNSHIP OF HARMONY  
SUSQUEHANNA COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE TWO YEARS ENDED  
DECEMBER 31, 2009

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.



TOWNSHIP OF HARMONY  
SUSQUEHANNA COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE TWO YEARS ENDED  
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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.

TOWNSHIP OF HARMONY  
SUSQUEHANNA COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE TWO YEARS ENDED  
DECEMBER 31, 2009

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 Second Class Township Code*, Title 53 P.S. § 68204, authorizes the township to deposit its funds in the following:

- Deposits in savings accounts or time deposits, other than certificates of deposit or share accounts of institutions having their principal place of business in the Commonwealth of Pennsylvania and insured by the Federal Deposit Insurance Corporation (FDIC) or other like insurance. For any amount above the insured maximum, the depository shall pledge approved collateral.
- Certificates of deposit purchased from institutions insured by the FDIC or other like insurance to the extent that such accounts are so insured. For any amounts in excess of the insured maximum, such deposits shall be collateralized by a pledge or assignment of assets. Certificates of deposit may not exceed 20 percent of a bank's total capital surplus or 20 percent of a savings and loan'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, 2009. 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.

TOWNSHIP OF HARMONY  
 SUSQUEHANNA COUNTY  
 LIQUID FUELS TAX FUND  
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
 FOR THE TWO YEARS ENDED  
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2. Deposits (Continued)

Fund Balance

The fund balance as of December 31, 2009 consists of the following:

Cash	<u>\$23,589.85</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 \$149.08 during 2008, and \$169.57 during 2009, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2008 - Section 1

An adjustment of \$(1,120.00) was made to “Maintenance and repair of roads and bridges” because check No. 802 was voided but was included as an expenditure.

2008 - Section 3

An adjustment of \$2,495.00 was made to “Prior year equipment balance” because of prior report adjustments that were not carried forward in the equipment balance.

5. Miscellaneous Receipts

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

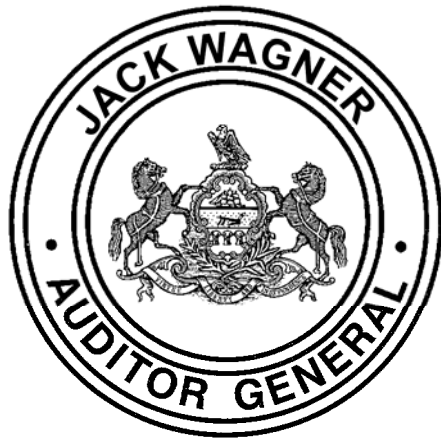
<u>Source</u>	<u>Description</u>	<u>2008</u>	<u>2009</u>
Borough of Starrucca	Reimbursement for road work	\$2,740.00	2,800.00
Borough of Lanesboro	Reimbursement for road work	-	<u>1,665.00</u>
Totals		<u>\$2,740.00</u>	<u>\$4,465.00</u>

TOWNSHIP OF HARMONY  
SUSQUEHANNA COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
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6. Bank Loan

On November 3, 2005, the municipality borrowed \$61,200.00 from Pennstar Bank to purchase a dump truck. The term of the loan was for four years at an interest rate of 4.35 percent. Principal and interest payments of \$4,193.33 are due quarterly. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$14,640.32 and \$2,133.00, respectively. Additionally, the municipality paid principal of \$14,600.59 and interest of \$2,172.73 from the General Fund.

During the current examination period the municipality paid principal of \$3,885.15 and interest of \$308.18 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchase on the 2008 Form MS-965 – Section 1. Additionally, the municipality paid principal of \$28,073.94 and interest of \$1,272.37 from the General Fund. The loan was paid-in-full on November 11, 2009.



TOWNSHIP OF HARMONY  
 SUSQUEHANNA COUNTY  
 LIQUID FUELS TAX FUND  
 FINDINGS AND RECOMMENDATIONS  
 FOR THE TWO YEARS ENDED  
 DECEMBER 31, 2009

Finding No. 1 - Documentation For Price Quotations Was Not Available For Examination

Our examination disclosed that the municipality expended \$5,652.11 for fuel in 2008, \$4,505.00 for hauling of materials in 2008, and \$4,570.72 on wooden planks for a township bridge in 2009 from its Liquid Fuels Tax Fund. The township was required to obtain three written or telephonic price quotations for these purchases. However, documentation for price quotations was not available for examination. The purchases were as follows:

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Amount</u>	<u>Totals</u>
<u>Fuel</u>					
Various	Various	787	06/03/08	\$1,440.96	
Various	Various	793	08/04/08	2,971.08	
Various	Various	803	11/11/08	<u>1,240.07</u>	
Total Fuel					\$ 5,652.11
<u>Hauling</u>					
6571	04/27/08	783	06/03/08	<u>\$4,505.00</u>	\$ 4,505.00
<u>Wooden Planks</u>					
N/A	11/24/09	845	12/01/09	<u>\$4,570.72</u>	<u>4,570.72</u>
Two year Total					<u>\$14,727.83</u>

The above purchases were not made in compliance with the contract requirements of *The Second Class Township Code*, 53 P.S. § 68102(b), (also found at § 3102(b) of *The Second Class Township Code* as published by the Local Government Commission), which states, in part:

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SUSQUEHANNA COUNTY  
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Finding No. 1 - Documentation For Price Quotations Was Not Available For Examination  
(Continued)

Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars (\$4,000.00) but are less than the amount [in excess of \$10,000.00] requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

In addition, the above purchases were not made in compliance with the Department of Transportation's *Publication 9*, Appendix D, Section 449.7(d), which states, in part:

...For material estimates between \$4,000 and \$10,000, three telephone price quotes shall be obtained prior to the selection of a supplier. In lieu of the price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors service the market area within which it is practicable to obtain quotations. If the cost during the year of an unadvertised item or group of like items ordinarily supplied by a single supplier exceeds \$10,000 or if the cost was between \$4,000 and \$10,000 and three price quotes were not obtained, the entire cost shall be ineligible for payment from the Liquid Fuels Tax Fund unless it can be shown to the satisfaction of the Secretary [of the Department of Transportation] that it was reasonably believed that the cost of the year's requirements of that item or group of like items would not exceed \$10,000 or be between \$4,000 and \$10,000 as specified above.

The failure to comply with *The Second Class Township Code* and the Department of Transportation's *Publication 9* could result in the township having to reimburse \$14,727.83 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the township reimburse \$14,727.83 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

TOWNSHIP OF HARMONY  
SUSQUEHANNA COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
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Finding No. 1 - Documentation For Price Quotations Was Not Available For Examination  
(Continued)

Recommendations (Continued)

We further recommend that, in the future, the township comply with *The Second Class Township Code* and the Department of Transportation's *Publication 9* as noted in this finding.

Management's Response

The township officials stated:

The township had received price quotes from Susquehanna Home Center, Colwell Electric, Lowes and Peter Brothers. Peter Brothers being the lowest was given the bid. We will continue to try to locate the bids.

Phone quotes were obtained for gas. Benson was awarded the bid.

Auditors Conclusion

The municipality never provided documentation for the price quotations. During our next examination we will determine if the municipality complied with our recommendations.



TOWNSHIP OF HARMONY  
SUSQUEHANNA COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
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Finding No. 2 - Related Party Transactions

Our examination disclosed that the township expended \$7,147.00 from the Liquid Fuels Tax Fund during 2008 for the rental of equipment from a company that is owned by a township supervisor. Additionally, during 2008 the township expended \$6,955.50 for the purchase of crushed stone from a company that is owned by another supervisor. The stone was not certified by the Department of Transportation (see Finding No. 3). Due to supervisors' financial interest in the companies and the lack of an open and public award process, these contracts appear to violate *The Second Class Township Code* and The Public Official and Employee Ethics Act. Therefore, they should not have been entered into by the township.

*The Second Class Township Code*, 53 P.S. § 68102(i), as amended, states, in part:

No township official, either elected or appointed, or township employee who knows, or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township or for any work to be done for such township involving the expenditure by the township of more than five hundred dollars (\$500.00) in any year unless the contract is awarded through the public bid process. This limitation does not apply if the officer or appointee of the township is an employee of the person, firm or corporations to which the money is to be paid in a capacity with no possible influence on the transaction and the officer cannot possibly be benefited thereby, either financially or otherwise. If a supervisor is within this exception, the supervisor shall so inform the board of supervisors and refrain from voting on the payments and shall in no manner participate in the contract. . . .

This information is also published in § 3102(i) of *The Second Class Township Code* as published by the Local Government Commission.

The Public Official and Employee Ethics Act ("Ethics Act"), 65 P.S. 1103(f), states, in part:

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Finding No. 2 - Related Party Transactions (Continued)

No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.

Because these contracts violate *The Second Class Township Code* and the Ethics Act the township could be required by the Pennsylvania Department of Transportation to reimburse \$14,102.50 to its Liquid Fuels Tax Fund.

Copies of this finding will be forwarded to the Pennsylvania Department of Transportation and the State Ethics Commission for their review and whatever action they may deem appropriate.

Similar findings were also written in our 2004-2005 and 2006-2007 reports.

Recommendations

We recommend that the township reimburse \$14,102.50 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We again further recommend that, in the future, the township comply with *The Second Class Township Code* the Ethics Act as amended.

Management's Response

The township officials stated:

In regards to the related party transactions, the township has corrected the bid process for related parties and would like consideration to be shown.

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Finding No. 2 - Related Party Transactions (Continued)

Auditor's Conclusion

The Department of Transportation will determine if the township is required to reimburse \$14,102.50 to its Liquid Fuels Tax Fund. During our next examination we will determine if the municipality complied with our recommendations.

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Finding No. 3 - Purchase Of Uncertified Stone

Our examination disclosed that the municipality expended \$6,955.50 during 2008 from its Liquid Fuels Tax Fund for the purchase of crushed stone. However, the vendor was not certified by the Materials Unit of the Department of Transportation.

The above purchases were not in compliance with the Department of Transportation's *Publication 408*, Section 106.02 (a), which states:

Have the source of material approved before delivery to a project.

The failure to follow the Department of Transportation's *Publication 408* could result in the municipality having to reimburse \$6,955.50 to its Liquid Fuels Tax Fund.

These expenditures were also included in Finding No. 2.

Recommendations

If the Department of Transportation does not require reimbursement for Finding No. 2, we recommended that the municipality reimburse \$6,955.00 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that, in the future, the municipality comply with the Department of Transportation's *Publication 408* as cited above.

Management's Response

The municipal officials stated:

Material purchased was for sub base and should be allowable for state funds payments.

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Finding No. 3 - Purchase Of Uncertified Stone (Continued)

Auditor's Conclusion

As stated above the source of the stone must be approved by the Department of Transportation. The Department of Transportation will determine if the township is required to reimburse \$6,955.50 to its Liquid Fuels Tax Fund. During our next examination we will determine if the municipality complied with our recommendations.

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Finding No. 4 - Late Receipt Of Allocations

Our examination disclosed that the 2008 and 2009 Liquid Fuels Tax Fund allocations, which should have been distributed from the Department of Transportation to the municipality during the first week of April of each year, were not received until May 30, 2008, and August 31, 2009, 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.

Because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the allocation for almost two months in 2008 and almost five months in 2009. Furthermore, had the allocations been received timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs.

Recommendation

We recommend that, in the future, the municipality comply with the Department of Transportation's *Publication 9* to ensure that the allocations are received during the first week in April as outlined above.

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

Management's Response

The municipal officials stated:

During 2008 and 2009 Forms MS-965 were filed late.

Auditor's Conclusion

The municipal officials should ensure that all required forms are filed timely. During our next examination we will determine if the municipality complied with our recommendation.

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COMMENTS  
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Comment No. 1 – Summary Of 2004-2005 Examination Recommendation

In our 2004 and 2005 report we recommended that the Department of Transportation review our examination finding to determine if the municipality should reimburse \$25,088.00 to its Liquid Fuels Tax Fund for related party transactions.

During our current examination we reviewed a letter dated June 15, 2007, from the Department of Transportation informing the municipality to reimburse \$25,088.00 to its Liquid Fuels Tax Fund. As of the date of this report, the municipality had not reimbursed this amount to its Liquid Fuels Tax Fund.

Comment No. 2 – Summary Of 2006-2007 Examination Recommendations

In our 2006-2007 report we recommended that the Department of Transportation review our examination findings to determine if the municipality should reimburse \$24,383.75 to its Liquid Fuels Tax Fund for a failure to document payroll time sheets identifying the nature of work performed. Additionally, we recommended that the Department of Transportation review the prior examination finding concerning related party transactions totaling \$17,453.50. A finding for related party transactions was also written in our current report (see Finding No. 2).

During our current examination we reviewed a letter dated March 15, 2010, from the Department of Transportation informing the municipality to reimburse \$41,837.25 to its Liquid Fuels Tax Fund. As of the date of this report, the municipality had not reimbursed this amount to its Liquid Fuels Tax Fund.

In our 2006-2007 report we also recommended that the municipality ensure good internal control over payroll by maintaining daily time sheets that identify the nature of work performed and location of work assignments.

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



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SUMMARY OF EXIT CONFERENCE  
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An exit conference was held November 18, 2010. Those participating were:

TOWNSHIP OF HARMONY

Ms. Lynn Jenkins, Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Jerome Werner, Auditor

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

TOWNSHIP OF HARMONY  
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REPORT DISTRIBUTION  
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This report was initially distributed to:

The Honorable Barry J. Schoch, P.E.  
Secretary  
Department of Transportation

Mr. John J. Contino  
Executive Director  
Pennsylvania State Ethics Commission

Township of Harmony  
Susquehanna County  
P. O. Box 152  
Susquehanna, PA 18847

The Honorable Frederick Jackson

Chairman of the Board of Supervisors

Ms. Lynn Jenkins

Secretary/Treasurer

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).