



TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
23-111

LIQUID FUELS TAX FUND
EXAMINATION REPORT

FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

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TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE THREE 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.



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 Township of Upper Darby, Delaware County, for the three 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 Upper Darby, Delaware County's Forms MS-965 for the three 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)

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 Township of Upper Darby, Delaware County, for the three years ended December 31, 2009, 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 Township of Upper Darby, 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 Township of Upper Darby, Delaware County's Forms MS-965 that is more than inconsequential will not be prevented or detected by the Township of Upper Darby, Delaware County's internal control. We consider the deficiency described in the finding below to be a significant deficiency in internal control over reporting on the Forms MS-965:

- Failure To Properly Prepare Forms MS-965.

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 Upper Darby, 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. We consider the significant deficiency described above to be a material weakness.

Independent Auditor's Report (Continued)

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

- Liquid Fuels Money Improperly Expended On Projects.

We are concerned in light of the municipality's failure to correct a previously reported finding regarding improperly expending Liquid Fuels Tax Fund money on projects. During our current examination, we noted that the municipality failed to properly prepare its Forms MS-965 and improperly expended Liquid Fuels Tax Fund money on projects. 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 Township of Upper Darby, Delaware County, and is not intended to be and should not be used by anyone other than these specified parties.

April 30, 2010

JACK WAGNER
Auditor General



TOWNSHIP OF UPPER DARBY
 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	12,754.60	(12.97)	12,741.63
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	276,683.85	-	276,683.85
Winter maintenance services	198,594.30	-	198,594.30
Traffic control devices	227,000.16	-	227,000.16
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	576,922.91	(89,100.00)	487,822.91
Highway construction and rebuilding projects (Finding No. 2)	-	89,100.00	89,100.00
Miscellaneous	-	-	-
	<u>-</u>	<u>-</u>	<u>-</u>
Total (To Section 2, Line 5)	<u>\$ 1,291,955.82</u>	<u>\$ (12.97)</u>	<u>\$ 1,291,942.85</u>

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

TOWNSHIP OF UPPER DARBY
 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	\$ 53.93	\$ 307,351.15	\$ 307,405.08
Receipts:			
2. State allocation	1,257,596.14	-	1,257,596.14
2a. Turnback allocation	6,160.00	-	6,160.00
2b. Interest on investments (Note 3)	29,142.16	4,006.00	33,148.16
2c. Miscellaneous (Note 5)	-	267,504.00	267,504.00
3. Total receipts	<u>1,292,898.30</u>	<u>271,510.00</u>	<u>1,564,408.30</u>
4. Total funds available	<u>1,292,952.23</u>	<u>578,861.15</u>	<u>1,871,813.38</u>
5. Expenditures (Section 1)	<u>1,291,955.82</u>	<u>(12.97)</u>	<u>1,291,942.85</u>
6. Balance, December 31, 2007	<u>\$ 996.41</u>	<u>\$ 578,874.12</u>	<u>\$ 579,870.53</u>

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

TOWNSHIP OF UPPER DARBY
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2007 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	\$ 53.93	\$ 307,351.15	\$ 307,405.08
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	252,751.23	-	252,751.23
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	252,805.16	307,351.15	560,156.31
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>252,805.16</u>	<u>307,351.15</u>	<u>560,156.31</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 996.41</u>	<u>\$ 559,159.90</u>	<u>\$ 560,156.31</u>

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

TOWNSHIP OF UPPER DARBY
 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	14,448.76	-	14,448.76
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	286,617.29	12,510.52	299,127.81
Winter maintenance services	96,308.43	3,078.54	99,386.97
Traffic control devices	268,812.74	8,824.67	277,637.41
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	612,367.13	(66,092.10)	546,275.03
Highway construction and rebuilding projects (Finding No. 2)	-	89,000.00	89,000.00
Miscellaneous (Bank service charges)	-	88.75	88.75
	<u>-</u>	<u>88.75</u>	<u>88.75</u>
Total (To Section 2, Line 5)	<u>\$ 1,278,554.35</u>	<u>\$ 47,410.38</u>	<u>\$ 1,325,964.73</u>

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

TOWNSHIP OF UPPER DARBY
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2008 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, 2008	\$ 996.41	\$ 578,874.12	\$ 579,870.53
Receipts:			
2. State allocation	1,386,407.57	-	1,386,407.57
2a. Turnback allocation	6,160.00	-	6,160.00
2b. Interest on investments (Note 3)	12,439.94	2,105.87	14,545.81
2c. Miscellaneous (Note 5)	204.35	178,336.00	178,540.35
3. Total receipts	<u>1,405,211.86</u>	<u>180,441.87</u>	<u>1,585,653.73</u>
4. Total funds available	<u>1,406,208.27</u>	<u>759,315.99</u>	<u>2,165,524.26</u>
5. Expenditures (Section 1)	<u>1,278,554.35</u>	<u>47,410.38</u>	<u>1,325,964.73</u>
6. Balance, December 31, 2008	<u><u>\$ 127,653.92</u></u>	<u><u>\$ 711,905.61</u></u>	<u><u>\$ 839,559.53</u></u>

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

TOWNSHIP OF UPPER DARBY
 DELAWARE 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	\$ 996.41	\$ 559,159.90	\$ 560,156.31
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	278,513.51	-	278,513.51
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	279,509.92	559,159.90	838,669.82
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>279,509.92</u>	<u>559,159.90</u>	<u>838,669.82</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 127,653.92</u>	<u>\$ 711,015.90</u>	<u>\$ 838,669.82</u>

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

TOWNSHIP OF UPPER DARBY
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2009 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	10,614.92	-	10,614.92
Computer/Computer related training	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	298,567.66	(12,510.52)	286,057.14
Winter maintenance services	189,876.46	93,287.97	283,164.43
Traffic control devices	287,280.03	(8,824.67)	278,455.36
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	685,530.98	(112,007.90)	573,523.08
Highway construction and rebuilding projects (Finding No. 2)	-	89,100.00	89,100.00
Miscellaneous (Bank service charges)	-	103.50	103.50
	<u>-</u>	<u>103.50</u>	<u>103.50</u>
Total (To Section 2, Line 5)	<u>\$ 1,471,870.05</u>	<u>\$ 49,148.38</u>	<u>\$ 1,521,018.43</u>

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

TOWNSHIP OF UPPER DARBY
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2009 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, 2009	\$ 127,653.92	\$ 711,905.61	\$ 839,559.53
Receipts:			
2. State allocation	1,335,801.56	-	1,335,801.56
2a. Turnback allocation	6,160.00	-	6,160.00
2b. Interest on investments (Note 3)	2,604.99	239.67	2,844.66
2c. Miscellaneous (Note 5)	76.05	90,626.24	90,702.29
3. Total receipts	<u>1,344,642.60</u>	<u>90,865.91</u>	<u>1,435,508.51</u>
4. Total funds available	<u>1,472,296.52</u>	<u>802,771.52</u>	<u>2,275,068.04</u>
5. Expenditures (Section 1)	<u>1,471,870.05</u>	<u>49,148.38</u>	<u>1,521,018.43</u>
6. Balance, December 31, 2009	<u>\$ 426.47</u>	<u>\$ 753,623.14</u>	<u>\$ 754,049.61</u>

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

TOWNSHIP OF UPPER DARBY
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 2009 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	\$ 127,653.92	\$ 711,015.90	\$ 838,669.82
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	268,392.31	-	268,392.31
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	396,046.23	711,015.90	1,107,062.13
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>396,046.23</u>	<u>711,015.90</u>	<u>1,107,062.13</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 426.47</u>	<u>\$ 753,623.14</u>	<u>\$ 754,049.61</u>

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

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE 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 UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

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 UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE 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 First Class Township Code, Title 53 P.S § 56705.1, 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 financial institutions. 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 UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

2. Deposits (Continued)

Fund Balance

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

Cash	<u>\$754,049.61</u>
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3. Interest On Investments

Our examination disclosed that the municipality deposited idle liquid fuels tax money in interest-bearing accounts which earned \$33,148.16 during 2007, \$14,545.81 during 2008, and \$2,844.66 during 2009, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2007 - Section 1

An adjustment of \$(12.97) was made to "Minor equipment purchases" because these expenditures were overstated.

Adjustments were made to "Maintenance and repair of roads and bridges" and "Highway construction and rebuilding projects" because expenditures of \$89,100.00 were misclassified.

2007 - Section 2

An adjustment of \$307,351.15 was made to "Balance, January 1, 2007" because of prior report adjustments that were not carried forward in the fund balance.

An adjustment of \$4,006.00 was made to "Interest on investments" because interest earnings were understated.

An adjustment of \$267,504.00 was made to "Miscellaneous" because this receipt was not reported.

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

4. Adjustments (Continued)

2007 - Section 3

An adjustment of \$307,351.15 was made to “Prior year equipment balance” because of prior report adjustments that were not carried forward in the equipment balance.

2008 - Section 1

An adjustment of \$12,510.52 was made to “Cleaning streets and gutters” because these expenditures were understated.

An adjustment of \$3,078.54 was made to “Winter maintenance services” because these expenditures were understated.

An adjustment of \$8,824.67 was made to “Traffic control devices” because these expenditures were understated.

An adjustment of \$(66,092.10) was made to “Maintenance and repair of roads and bridges” because these expenditures were understated by \$22,907.90 and expenditures for highway construction and rebuilding projects of \$89,000.00 were misclassified.

An adjustment of \$89,000.00 was made to “Highway construction and rebuilding projects” because these expenditures were misclassified as maintenance and repair of roads and bridges.

An adjustment of \$88.75 was made to “Miscellaneous” expenditures because bank service charges were not reported.

2008 - Section 2

An adjustment of \$578,874.12 was made to “Balance, January 1, 2008” to reflect the adjustments made in 2007 - Section 1 and 2007 - Section 2.

An adjustment of \$2,105.87 was made to “Interest on investments” because interest earnings were understated.

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
NOTES TO FORMS MS-965 WITH ADJUSTMENTS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

4. Adjustments (Continued)

2008 - Section 2 (Continued)

An adjustment of \$178,336.00 was made to “Miscellaneous” because these receipts were understated.

2008 - Section 3

An adjustment of \$559,159.90 was made to “Prior year equipment balance” because an incorrect equipment balance was carried forward.

2009 - Section 1

An adjustment of \$(12,510.52) was made to “Cleaning streets and gutters” because these expenditures were overstated.

An adjustment of \$93,287.97 was made to “Winter maintenance services” because these expenditures were understated.

An adjustment of \$(8,824.67) was made to “Traffic control devices” because these expenditures were overstated.

An adjustment of \$(112,007.90) was made to “Maintenance and repair of roads and bridges” because these expenditures were overstated by \$22,907.90 and expenditures for highway construction and rebuilding projects of \$89,100.00 were misclassified.

An adjustment of \$89,100.00 was made to “Highway construction and rebuilding projects” because these expenditures were misclassified as maintenance and repair of roads and bridges.

An adjustment of \$103.50 was made to “Miscellaneous” expenditures because bank service charges were not reported.

2009 - Section 2

An adjustment of \$711,905.61 was made to “Balance, January 1, 2009” to reflect the adjustments made in 2008 - Section 1 and 2008 - Section 2.

TOWNSHIP OF UPPER DARBY
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS
 FOR THE THREE YEARS ENDED
 DECEMBER 31, 2009

4. Adjustments (Continued)

2009 - Section 2 (Continued)

An adjustment of \$239.67 was made to “Interest on investments” because interest earnings were understated.

An adjustment of \$90,626.24 was made to “Miscellaneous” because these receipts were understated.

2009 - Section 3

An adjustment of \$711,015.90 was made to “Prior year equipment balance” to reflect the adjustment made to the equipment balance in 2008 - Section 3.

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>2007</u>	<u>2008</u>	<u>2009</u>
General Fund	Reimbursement (see Comment)	\$267,504.00	\$ -	\$ -
Vendor	Refund of overpayment	-	204.35	76.05
General Fund	Reimbursement for prior year payroll	-	-	1,458.24
Delaware County	County aid (see Finding No. 2)	-	178,336.00	89,168.00
	Totals	<u>\$267,504.00</u>	<u>\$178,540.35</u>	<u>\$90,702.29</u>

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

Finding No. 1 - Failure To Properly Prepare Forms MS-965

Our examination disclosed that there were numerous errors made in the preparation of the municipality's 2007, 2008 and 2009 Forms MS-965. These adjustments, which are disclosed in Note 4, are as follows:

2007 - Section 1

- An adjustment of \$(12.97) was made to "Minor equipment purchases" because these expenditures were overstated.
- Adjustments were made to "Maintenance and repair of roads and bridges" and "Highway construction and rebuilding projects" because expenditures of \$89,100.00 were misclassified.

2007 - Section 2

- An adjustment of \$307,351.15 was made to "Balance, January 1, 2007" because of prior report adjustments that were not carried forward in the fund balance.
- An adjustment of \$4,006.00 was made to "Interest on investments" because interest earnings were understated.
- An adjustment of \$267,504.00 was made to "Miscellaneous" because this receipt was not reported.

2007 - Section 3

- An adjustment of \$307,351.15 was made to "Prior year equipment balance" because of prior report adjustments that were not carried forward in the equipment balance.

2008 - Section 1

- An adjustment of \$12,510.52 was made to "Cleaning streets and gutters" because these expenditures were understated.
- An adjustment of \$3,078.54 was made to "Winter maintenance services" because these expenditures were understated.

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
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Finding No. 1 - Failure To Properly Prepare Forms MS-965 (Continued)

2008 - Section 1 (Continued)

- An adjustment of \$8,824.67 was made to “Traffic control devices” because these expenditures were understated.
- An adjustment of \$(66,092.10) was made to “Maintenance and repair of roads and bridges” because these expenditures were understated by \$22,907.90 and expenditures for highway construction and rebuilding projects of \$89,000.00 were misclassified.
- An adjustment of \$89,000.00 was made “Highway construction and rebuilding projects” because these expenditures were misclassified as maintenance and repair of roads and bridges.
- An adjustment of \$88.75 was made to “Miscellaneous” expenditures because bank service charges were not reported.

2008 - Section 2

- An adjustment of \$578,874.12 was made to “Balance, January 1, 2008” to reflect the adjustments made in 2007 - Section 1 and 2007 - Section 2.
- An adjustment of \$2,105.87 was made to “Interest on investments” because interest earnings were understated.
- An adjustment of \$178,336.00 was made to “Miscellaneous” because these receipts were understated.

2008 - Section 3

- An adjustment of \$559,159.90 was made to “Prior year equipment balance” because an incorrect equipment balance was carried forward.

2009 - Section 1

- An adjustment of \$(12,510.52) was made to “Cleaning streets and gutters” because these expenditures were overstated.

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
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Finding No. 1 - Failure To Properly Prepare Forms MS-965 (Continued)

2009 - Section 1 (Continued)

- An adjustment of \$93,287.97 was made to “Winter maintenance services” because these expenditures were understated.
- An adjustment of \$(8,824.67) was made to “Traffic control devices” because these expenditures were overstated.
- An adjustment of \$(112,007.90) was made to “Maintenance and repair of roads and bridges” because these expenditures were overstated by \$22,907.90 and expenditures for highway construction and rebuilding projects of \$89,100.00 were misclassified.
- An adjustment of \$89,100.00 was made to “Highway construction and rebuilding projects” because these expenditures were misclassified as maintenance and repair of roads and bridges.
- An adjustment of \$103.50 was made to “Miscellaneous” expenditures because bank service charges were not reported.

2009 - Section 2

- An adjustment of \$711,905.61 was made to “Balance, January 1, 2009” to reflect the adjustments made in 2008 - Section 1 and 2008 - Section 2.
- An adjustment of \$239.67 was made to “Interest on investments” because interest earnings were understated.
- An adjustment of \$90,626.24 was made to “Miscellaneous” because these receipts were understated.

2009 - Section 3

- An adjustment of \$711,015.90 was made to “Prior year equipment balance” to reflect the adjustment made to the equipment balance in 2008 - Section 3.

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
FINDINGS AND RECOMMENDATIONS
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Finding No. 1 - Failure To Properly Prepare Forms MS-965 (Continued)

Good internal controls ensure that the municipality complete its Forms MS-965 accurately and completely. The failure to properly complete Forms MS-965 increases the risk that errors or irregularities may occur and remain undetected.

Recommendation

We recommend that the municipality ensure that its Forms MS-965 are complete and accurate.

Management's Response

The municipal officials offered no formal response at this time.

TOWNSHIP OF UPPER DARBY
 DELAWARE COUNTY
 LIQUID FUELS TAX FUND
 FINDINGS AND RECOMMENDATIONS
 FOR THE THREE YEARS ENDED
 DECEMBER 31, 2009

Finding No. 2 - Liquid Fuels Money Improperly Expended On Projects

Our examination disclosed that although Liquid Fuels Tax Fund money was not approved to be expended on construction project Nos. 07-23-111-ICA, 08-23-111-ICA, and 09-23-111-ICA, \$267,200.00 of Liquid Fuels Tax Fund money was spent on these projects. The expenditures related to these projects should have been paid directly from the General Fund. These expenditures and subsequent reimbursements were as follows:

<u>Project No.</u>	<u>Date Paid</u>	<u>Amount</u>	<u>Date Reimbursed</u>	<u>Source</u>	<u>Amount</u>
07-23-111-ICA	10/10/07	\$ 89,100.00	01/15/08	2007 County Aid	\$ 89,168.00
08-23-111-ICA	07/30/08	89,000.00	09/24/08	2008 County Aid	89,168.00
09-23-111-ICA	09/15/09	<u>89,100.00</u>	12/21/09	2009 County Aid	<u>89,168.00</u>
Total		<u>\$267,200.00</u>			<u>\$267,504.00 *</u>

* Reimbursement totaled \$304.00 more than the required amount.

The Department of Transportation's *Publication 9* outlines the policies and procedures for the administration of the Liquid Fuels Tax Fund. *Publication 9*, Chapter Two, Section 2.7.2, states that nonpermissible expenditures include construction and reconstruction projects without prior approval from the Department of Transportation.

A similar finding was also written in our prior report.

Recommendation

We again recommend that, in the future, no liquid fuels tax funds be expended for construction projects without the prior approval of the Department of Transportation.

Management's Response

The municipal 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 recommendation.

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
COMMENT
FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

Comment – Summary Of Prior Examination Recommendation

In our prior examination period the municipality expended \$267,000.00 from its Liquid Fuels Tax Fund on a road resurfacing project that was not approved to be paid from the Liquid Fuels Tax Fund. On March 13, 2007, the municipality reimbursed \$267,504.00 to its Liquid Fuels Tax Fund, which was \$504.00 more than the required amount. A similar finding was also written in our current report (see Finding No. 2).

TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF EXIT CONFERENCE
FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

An exit conference was held April 30, 2010. Those participating were:

TOWNSHIP OF UPPER DARBY

Mr. James D. Smith, Director of Finance

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Robert Rosenfeldt, Auditor

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



TOWNSHIP OF UPPER DARBY
DELAWARE COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE THREE YEARS ENDED
DECEMBER 31, 2009

This report was initially distributed to:

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

Township of Upper Darby
Delaware County
100 Garrett Road
Upper Darby, PA 19082-3135

The Honorable John E. Clark

President of Council

Mr. James D. Smith

Director of Finance

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.