



BOROUGH OF COLWYN  
DELAWARE COUNTY  
23-406

LIQUID FUELS TAX FUND  
EXAMINATION REPORT

FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006



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BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

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.

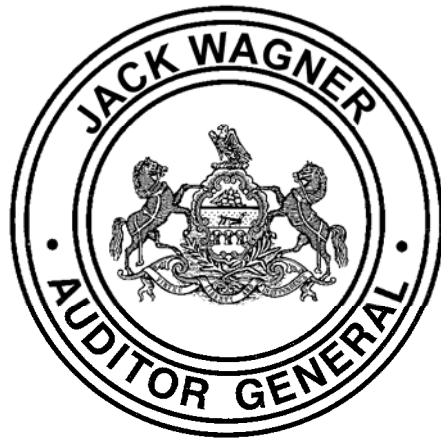
*The Vehicle Code*, Title 75 P.S. § 9511, provides municipalities with annual maintenance payments to be received from the Motor License Fund for functionally local highways that were transferred to a municipality from the Commonwealth of Pennsylvania.

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 Colwyn, Delaware County, for the three years ended December 31, 2006. 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 Colwyn, Delaware County's Forms MS-965 for the three years ended December 31, 2006 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, supporting documentation for expenditures of \$9,770.44 was not available for examination.

### Independent Auditor's Report (Continued)

In our opinion, except for the matter discussed in the preceding paragraph, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Borough of Colwyn, Delaware County, for the three years ended December 31, 2006, 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 Colwyn, 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 Colwyn, Delaware County's Forms MS-965 that is more than inconsequential will not be prevented or detected by the Borough of Colwyn, Delaware County's internal control. We consider the deficiencies described in the findings below to be significant deficiencies in internal control over reporting on the Form MS-965s:

- Documentation Supporting Expenditures Was Not Available For Examination.
- Failure To Properly Prepare Forms MS-965.



### Independent Auditor's Report (Continued)

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 Colwyn, Delaware 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 consider all of the significant deficiencies described above to be material weaknesses.

The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*. However, we did note an other matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in the finding below:

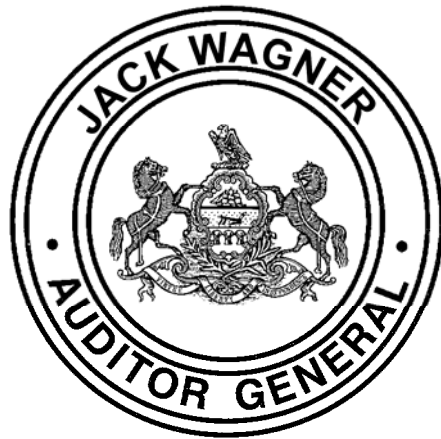
- Late Receipt Of Allocations.

We are concerned in light of the municipality's failure to correct a previously reported finding concerning documentation supporting expenditures that was not available for examination. During our current examination, documentation supporting expenditures was again not available for examination, the municipality failed to properly prepare Forms MS-965, and the municipality received its 2004 and 2005 allocations late. 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 Colwyn, Delaware County, and is not intended to be and should not be used by anyone other than these specified parties.

October 9, 2007

JACK WAGNER  
Auditor General



BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
2004 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	\$ 28,909.00	\$ (28,909.00)	\$ -
Minor equipment purchases	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	1,578.05	-	1,578.05
Street lighting	15,246.57	-	15,246.57
Storm sewers and drains	-	-	-
Repairs of tools and machinery	3,126.90	-	3,126.90
Maintenance and repair of roads and bridges	12,048.48	-	12,048.48
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
Mathematical error	(12,048.48)	12,048.48	-
 Total (To Section 2, Line 5)	 <u>\$ 48,860.52</u>	 <u>\$ (16,860.52)</u>	 <u>\$ 32,000.00</u>

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

BOROUGH OF COLWYN  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2004 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, 2004	\$ 2,648.07	\$ -	\$ 2,648.07
Receipts:			
2. State allocation	33,609.62	-	33,609.62
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	237.30	37.23	274.53
2c. Miscellaneous (Note 5)	-	19,890.55	19,890.55
3. Total receipts	<u>33,846.92</u>	<u>19,927.78</u>	<u>53,774.70</u>
4. Total funds available	<u>36,494.99</u>	<u>19,927.78</u>	<u>56,422.77</u>
5. Expenditures (Section 1)	48,860.52	(16,860.52)	32,000.00
Mathematical error	<u>(16,860.52)</u>	<u>16,860.52</u>	<u>-</u>
6. Balance, December 31, 2004	<u>\$ 4,494.99</u>	<u>\$ 19,927.78</u>	<u>\$ 24,422.77</u>

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

BOROUGH OF COLWYN  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2004 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	\$ 2,648.07	\$ -	\$ 2,648.07
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	6,721.92	-	6,721.92
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	9,369.99	-	9,369.99
5. Less: Major equipment expenditures	<u>4,494.99</u>	<u>(4,494.99)</u>	<u>-</u>
6. Remainder	<u>4,875.00</u>	<u>4,494.99</u>	<u>9,369.99</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 4,494.99</u>	<u>\$ 4,875.00</u>	<u>\$ 9,369.99</u>

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

BOROUGH OF COLWYN  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2005 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	1,330.00	-	1,330.00
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	1,446.00	-	1,446.00
Traffic control devices	643.53	-	643.53
Street lighting	14,631.43	-	14,631.43
Storm sewers and drains	-	-	-
Repairs of tools and machinery	3,329.92	-	3,329.92
Maintenance and repair of roads and bridges	13,619.12	-	13,619.12
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Finding No. 1)	-	4,494.99	4,494.99
	<u>          </u>	<u>          </u>	<u>          </u>
Total (To Section 2, Line 5)	<u>\$ 35,000.00</u>	<u>\$ 4,494.99</u>	<u>\$ 39,494.99</u>

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

BOROUGH OF COLWYN  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2005 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, 2005	\$ 4,494.99	\$ 19,927.78	\$ 24,422.77
Receipts:			
2. State allocation	34,237.21	-	34,237.21
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	808.70	-	808.70
2c. Miscellaneous	-	-	-
3. Total receipts	<u>35,045.91</u>	<u>-</u>	<u>35,045.91</u>
4. Total funds available	<u>39,540.90</u>	<u>19,927.78</u>	<u>59,468.68</u>
5. Expenditures (Section 1)	<u>35,000.00</u>	<u>4,494.99</u>	<u>39,494.99</u>
6. Balance, December 31, 2005	<u><u>\$ 4,540.90</u></u>	<u><u>\$ 15,432.79</u></u>	<u><u>\$ 19,973.69</u></u>

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

BOROUGH OF COLWYN  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2005 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	\$ 4,494.99	\$ 4,875.00	\$ 9,369.99
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	6,847.44	-	6,847.44
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	11,342.43	4,875.00	16,217.43
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>11,342.43</u>	<u>4,875.00</u>	<u>16,217.43</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 4,540.90</u>	<u>\$ 11,676.53</u>	<u>\$ 16,217.43</u>

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



BOROUGH OF COLWYN  
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	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	15,000.00	(6,342.50)	8,657.50
Winter maintenance services	2,501.70	(476.45)	2,025.25
Traffic control devices	880.00	1,625.84	2,505.84
Street lighting	14,104.96	-	14,104.96
Storm sewers and drains	5,000.00	(120.00)	4,880.00
Repairs of tools and machinery	2,649.94	397.64	3,047.58
Maintenance and repair of roads and bridges	448.00	227.90	675.90
Highway construction and rebuilding projects	-	-	-
Miscellaneous (Finding No. 1)	-	4,102.97	4,102.97
 Total (To Section 2, Line 5)	 <u>\$ 40,584.60</u>	 <u>\$ (584.60)</u>	 <u>\$ 40,000.00</u>

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

BOROUGH OF COLWYN  
 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	\$ 4,540.00	\$ 15,433.69	\$ 19,973.69
Receipts:			
2. State allocation	36,975.61	-	36,975.61
2a. Turnback allocation	-	-	-
2b. Interest on investments (Note 3)	2,010.26	-	2,010.26
2c. Miscellaneous (Note 5)	-	5,764.00	5,764.00
3. Total receipts	<u>38,985.87</u>	<u>5,764.00</u>	<u>44,749.87</u>
4. Total funds available	<u>43,525.87</u>	<u>21,197.69</u>	<u>64,723.56</u>
5. Expenditures (Section 1)	<u>40,584.60</u>	<u>(584.60)</u>	<u>40,000.00</u>
6. Balance, December 31, 2006	<u>\$ 2,941.27</u>	<u>\$ 21,782.29</u>	<u>\$ 24,723.56</u>

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

BOROUGH OF COLWYN  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2006 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	\$ 4,540.00	\$ 11,677.43	\$ 16,217.43
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	7,395.12	-	7,395.12
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	11,935.12	11,677.43	23,612.55
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>11,935.12</u>	<u>11,677.43</u>	<u>23,612.55</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 2,941.27</u>	<u>\$ 20,671.28</u>	<u>\$ 23,612.55</u>

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

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

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 COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

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 COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

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, 2006. 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 COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

2. Deposits (Continued)

Fund Balance

The fund balance as of December 31, 2006 consists of the following:

Cash	<u>\$24,723.56</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 \$274.53 during 2004, \$808.70 during 2005, and \$2,010.26 during 2006, thus providing additional funds for road maintenance and repairs.

4. Adjustments

2004 - Section 1

An adjustment of \$(28,909.00) was made to "Major equipment purchases" because these expenditures were not paid from the Liquid Fuels Tax Fund.

2004 - Section 2

An adjustment of \$37.23 was made to "Interest on investments" because interest earnings were understated.

An adjustment of \$19,890.55 was made to "Miscellaneous" because these receipts were not reported.

2004 - Section 3

An adjustment of \$(4,494.99) was made to "Major equipment expenditures" because these expenditures were not paid from the Liquid Fuels Tax Fund.

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

4. Adjustments (Continued)

2005 - Section 1

An adjustment of \$4,494.99 was made to “Miscellaneous” because a transfer to the Borough’s Equipment Fund was not reported (see Finding No. 1).

2005 - Section 2

An adjustment of \$19,927.78 was made to “Balance, January 1, 2005” to reflect the adjustments made in 2004 - Section 1 and 2004 - Section 2.

2005 - Section 3

An adjustment of \$4,875.00 was made to “Prior year equipment balance” because an incorrect equipment balance was carried forward.

2006 - Section 1

An adjustment of \$(6,342.50) was made to “Cleaning streets and gutters” because these expenditures were overstated.

An adjustment of \$(476.45) was made to “Winter maintenance services” because these expenditures were overstated.

An adjustment of \$1,625.84 was made to “Traffic control devices” because these expenditures were understated.

An adjustment of \$(120.00) was made to “Storm sewers and drains” because these expenditures were overstated.

An adjustment of \$397.64 was made to “Repairs of tools and machinery” because these expenditures were understated.

An adjustment of \$227.90 was made to “Maintenance and repair of roads and bridges” because these expenditures were understated.

An adjustment of \$4,102.97 was made to “Miscellaneous” because a transfer to the General Fund was not reported.



BOROUGH OF COLWYN  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 NOTES TO FORMS MS-965 WITH ADJUSTMENTS  
 FOR THE THREE YEARS ENDED  
 DECEMBER 31, 2006

4. Adjustments (Continued)

2006 - Section 2

An adjustment of \$15,433.69 was made to “Balance, January 1, 2006” because the borough reported an incorrect fund balance.

An adjustment of \$5,764.00 was made to “Miscellaneous” because receipts for County Aid were not reported.

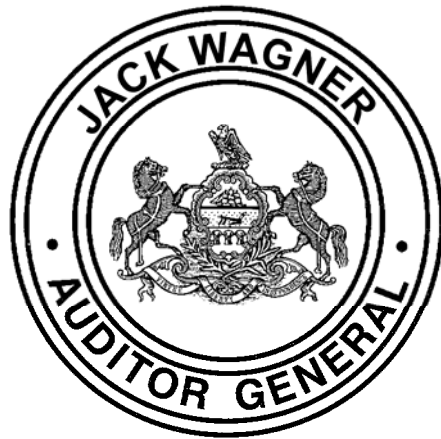
2006 - Section 3

An adjustment of \$11,677.43 was made to “Prior year equipment balance” because an incorrect equipment balance was reported.

5. Miscellaneous Receipts

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

Source	Description	2004	2006
Delaware County General Fund	2002 and 2003 County Aid Reimbursement (see Comment)	\$ 5,764.00	\$ -
		14,126.55	-
Delaware County	2004 County Aid	-	2,882.00
Delaware County	2005 County Aid	-	2,882.00
	Totals	<u>\$19,890.55</u>	<u>\$5,764.00</u>



BOROUGH OF COLWYN  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 FINDINGS AND RECOMMENDATIONS  
 FOR THE THREE YEARS ENDED  
 DECEMBER 31, 2006

Finding No. 1 - Documentation Supporting Expenditures Was Not Available For Examination

Our examination disclosed that during the examination period the municipality transferred \$76,494.99 from its Liquid Fuels Tax Fund to its General Fund. However, the municipality maintained supporting documentation, such as invoices or payment records, for only \$66,724.55. These transfers were as follows:

<u>Date Of Transfer</u>	<u>Amount Of Transfer</u>	<u>Amount Supported By Documentation</u>	<u>Undocumented Amount</u>
11/08/04	\$32,000.00	\$30,827.52	\$1,172.48
01/14/05	4,494.99	-	4,494.99
Various in 2006	40,000.00	35,897.03	4,102.97
Totals	<u>\$76,494.99</u>	<u>\$66,724.55</u>	<u>\$9,770.44</u>

Good internal control procedures ensure that there is documentation to support all expenditures.

The Liquid Fuels Tax Municipal Allocation Law, 72 P.S. § 2615.4, provides, in part, that monies herein allocated may be used only for construction, reconstruction, maintenance and repairs of such public roads or streets, including bridges, culverts and drainage structures, for which they are legally responsible. Also permitted are expenditures involving acquisition, maintenance, repairs and operation of street signs, traffic signs, traffic signal control systems, road equipment, and snow fences.

The Department of Transportation has been statutorily authorized to promulgate regulations concerning the administration of Liquid Fuels Tax Fund money and has determined that certain items, including expenditures made without supporting documentation, are outside the scope of permissible expenditures.

Without adequate documentation, we could not determine if the expenditures were permissible according to the Liquid Fuels Tax Municipal Allocation Law and Department of Transportation Regulations.

The failure to maintain documentation to support expenditures could result in the municipality having to reimburse \$9,770.44 to its Liquid Fuels Tax Fund.

A similar finding was also written in our prior report.

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

Finding No. 1 - Documentation Supporting Expenditures Was Not Available For Examination,  
(Continued)

Recommendations

We recommend that the municipality reimburse \$9,770.44 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further again recommend that the municipality ensure good internal control over expenditures by maintaining adequate documentation to support all expenditures.

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 recommendations.

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

Finding No. 2 - Failure To Properly Prepare Forms MS-965

Our examination disclosed that there were numerous errors made in the preparation of the municipality's 2004, 2005, and 2006 Forms MS-965. These adjustments, which are disclosed in Note 4, are as follows:

2004 - Section 1

- An adjustment of \$(28,909.00) was made to "Major equipment purchases" because these expenditures were not paid from the Liquid Fuels Tax Fund.

2004 - Section 2

- An adjustment of \$37.23 was made to "Interest on investments" because interest earnings were understated.
- An adjustment of \$19,890.55 was made to "Miscellaneous" because these receipts were not reported.

2004 - Section 3

- An adjustment of \$(4,494.99) was made to "Major equipment expenditures" because these expenditures were not paid from the Liquid Fuels Tax Fund.

2005 - Section 1

- An adjustment of \$4,494.99 was made to "Miscellaneous" because a transfer to the Borough's Equipment Fund was not reported.

2005 - Section 2

- An adjustment of \$19,927.78 was made to "Balance, January 1, 2005" to reflect the adjustments made in 2004 - Section 1 and 2004 - Section 2.

2005 - Section 3

- An adjustment of \$4,875.00 was made to "Prior year equipment balance" because an incorrect equipment balance was carried forward.

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
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Finding No. 2 - Failure To Properly Prepare Forms MS-965 (Continued)

2006 - Section 1

- An adjustment of \$(6,342.50) was made to “Cleaning streets and gutters” because these expenditures were overstated.
- An adjustment of \$(476.45) was made to “Winter maintenance services” because these expenditures were overstated.
- An adjustment of \$1,625.84 was made to “Traffic control devices” because these expenditures were understated.
- An adjustment of \$(120.00) was made to “Storm sewers and drains” because these expenditures were overstated.
- An adjustment of \$397.64 was made to “Repairs of tools and machinery” because these expenditures were understated.
- An adjustment of \$227.90 was made to “Maintenance and repair of roads and bridges” because these expenditures were understated.
- An adjustment of \$4,102.97 was made to “Miscellaneous” because a transfer to the General Fund was not reported.

2006 - Section 2

- An adjustment of \$15,433.69 was made to “Balance, January 1, 2006” because the borough reported the incorrect fund balance.
- An adjustment of \$5,764.00 was made to “Miscellaneous” because receipts for County Aid were not reported.

2006 - Section 3

- An adjustment of \$11,677.43 was made to “Prior year equipment balance” because an incorrect equipment balance was reported.

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

Finding No. 2 - 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.

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

Finding No. 3 - Late Receipt Of Allocations

Our examination disclosed that the 2004 and 2005 Liquid Fuels Tax Fund allocations, which should have been distributed during the first week of April of each year, were not received until June 17, 2004 and August 2, 2005, respectively, because the municipality failed to comply with Department of Transportation Regulation 449.12, which requires the timely filing of particular documents and information, among them:

- Evidence that its treasurer is bonded in accordance with the law or that its treasurer is a bank requiring no bond.
- A report indicating the manner in which its Liquid Fuels Tax Fund was expended in the preceding year.
- Survey of financial condition.
- Roster of municipal officials.

Because the municipality failed to file documents and information timely as noted above, the municipality did not have use of the 2004 allocation for more than two months and the 2005 allocation for four months. Furthermore, had the allocations been received timely, money may have been available for investment purposes, potentially earning interest income which could have been used for road maintenance and repairs.

Recommendation

We recommend that, in the future, the municipality comply with Department of Transportation Regulation 449.12 to ensure that the allocations are received during the first week in April as outlined above.

Management's Response

The municipal officials offered no formal response at this time.



BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
COMMENT  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

Comment - Summary Of Prior Audit Recommendations

In our prior report we recommended that the Department of Transportation review our audit finding to determine if the municipality should reimburse \$14,126.55 to its Liquid Fuels Tax Fund for expenditures made without supporting documentation. A similar finding is written in our current report (see Finding No. 1).

During our current examination we reviewed a letter dated November 9, 2004, from the Department of Transportation informing the municipality to reimburse \$14,126.55 to its Liquid Fuels Tax Fund. We noted that the municipality reimbursed this amount to its Liquid Fuels Tax Fund on November 22, 2004.

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF EXIT CONFERENCE  
FOR THE THREE YEARS ENDED  
DECEMBER 31, 2006

An exit conference was held October 9, 2007. Those participating were:

BOROUGH OF COLWYN

Mr. Daniel McEnhill, Borough Manager

DEPARTMENT OF THE AUDITOR GENERAL

Mrs. Sandra Gichiengo, Auditor

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

BOROUGH OF COLWYN  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE THREE YEARS ENDED

This report was initially distributed to:

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

Borough of Colwyn  
Delaware County  
221 Spruce Street  
Colwyn, PA 19023

The Honorable F. Earl Reed

President of Council

Mr. Daniel McEnhill

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).