

ATTESTATION ENGAGEMENT

Township of French Creek

Mercer County, Pennsylvania

43-207

Liquid Fuels Tax Fund

For the Period

January 1, 2024 to December 31, 2024

September 2025



Commonwealth of Pennsylvania
Department of the Auditor General

Timothy L. DeFoor • Auditor General



Commonwealth of Pennsylvania
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TIMOTHY L. DEFOOR
AUDITOR GENERAL

Independent Auditor's Report

The Honorable Michael Carroll
Secretary
Department of Transportation
Harrisburg, PA 17120

We have examined the accompanying Form MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Township of French Creek, Mercer County, for the period January 1, 2024 to December 31, 2024. The municipality's management is responsible for presenting the Form MS-965 in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*. Our responsibility is to express an opinion on the Form 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. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Form MS-965 is presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Form MS-965. The nature, timing, and extent of the procedures selected depend on our judgement, including an assessment of the risks of material misstatement of the Form MS-965, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent and to meet our other ethical responsibilities in accordance with ethical requirements relating to the engagement.

In our opinion, the Form MS-965 With Adjustments presents, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Township of French Creek, Mercer County, for the period January 1, 2024 to December 31, 2024, in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*.

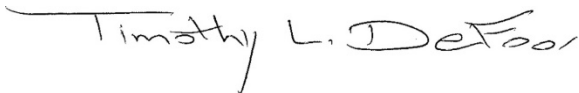
Independent Auditor's Report (Continued)

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws, regulations, contracts, or grant agreements that have a material effect on the Form MS-965; and any other instances that warrant the attention of those charged with governance. We are also required to obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. We performed our examination to express an opinion on whether the Form MS-965 is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over the Form MS-965 or on compliance and other matters; accordingly, we express no such opinions. The results of our tests did not disclose any matters that are required to be reported under *Government Auditing Standards*. However, we did note a matter that, while not required to be included in this report by *Government Auditing Standards*, has been included in the finding below:

- Non-Permissible Expenditure.

The purpose of this report is to provide information related to the municipality's Liquid Fuels Tax Fund to assist the Pennsylvania Department of Transportation in fulfilling its regulatory authority as described in the laws and regulations identified in the Background section of this report and the Pennsylvania Department of Transportation's *Publication 9*. This report is not suitable for any other purpose.

We appreciate the courtesy extended by the Township of French Creek, Mercer County, to us during the course of our examination. If you have any questions, please feel free to contact the Bureau of County Audits at 717-787-1363.



Timothy L. DeFoor
Auditor General
September 15, 2025

CONTENTS

	<u>Page</u>
Background.....	1
Financial Section:	
2024 Form MS-965 With Adjustments	5
Auditor Description Of Select Transactions.....	8
Finding And Recommendations:	
Finding - Non-Permissible Expenditure	10
Summary Of Onsite Closeout Meeting.....	11
Report Distribution	12

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

Background

The Liquid Fuels Tax Municipal Allocation Law¹ provides municipalities other than counties (i.e., townships, boroughs, cities, towns, home rule, and optional plan governments) with an annual allocation of liquid fuels taxes from the state's Motor License Fund to be used for the maintenance and repair of streets, roads, and bridges for which the municipality is responsible. The allocation of these funds to municipalities is based upon: (1) 50 percent on the municipality's proportion of local road mileage to the total local road mileage maintained by all political subdivisions making application in the county; and (2) 50 percent on the proportion of a municipality's population to the total population of all municipalities making application in the state.²

Section 9511 (relating to Allocation of proceeds) of the Pennsylvania Vehicle Code provides municipalities with annual maintenance payments to be received from the Motor License Fund.³

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

The Department of Transportation has been given the regulatory authority for the administration of these funds. Department of Transportation's *Publication 9* includes the policies and procedures for the administration of Act 655, as amended, and the Liquid Fuels Tax Fund money. However, if there is a difference between *Publication 9* and any legislation, the legislation shall govern.

To qualify for the annual allocation of Liquid Fuels Tax funds, *Publication 9* indicates that each municipality shall:

1. Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).

¹ 72 P.S. § 2615.1 *et seq.*, Act 655 of 1956, as amended.

² 75 Pa.C.S. § 9010(c)(1)-(2) as last amended by Act 89 of 2013.

³ 75 Pa.C.S. § 9511, as last amended by Act 89 of 2013 and Act 101 of 2016, *See also* 72 P.S. § 2615.4, as last amended by Act 42 of 2013.

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

Background (Continued)

2. Make deposits and payments or expenditures in compliance with Act 655, as amended. Failure to do so may result in not receiving allocations from PennDOT until all discrepancies are resolved. *Publication 9*, Section 2.6, includes information about investing Liquid Fuels Tax monies, using loan or bond proceeds, and types of receipts that can be placed into the Liquid Fuels Tax Fund.
3. Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31st and the Survey of Financial Condition By March 15th.
4. Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.
5. Ensure resolution of all reimbursements required as a result of audits performed by the Department of the Auditor General or monitoring reviews performed by the Department of Transportation's Financial Consultants.

Criteria

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

Section 1 of Form MS-965 With Adjustments provides a summary of Liquid Fuels Tax Fund expenditures by category. Categories requiring explanation include:

- Major equipment purchases are purchases of road machinery and road equipment with varying yearly costs in excess of the amounts indicated below:

<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
<u>\$11,500.00</u>	<u>\$11,800.00</u>	<u>\$12,200.00</u>	<u>\$12,600.00</u>

- Minor equipment purchases are purchases of road machinery and road equipment with varying yearly costs that are less than or equal to the amounts indicated below:

<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
<u>\$11,500.00</u>	<u>\$11,800.00</u>	<u>\$12,200.00</u>	<u>\$12,600.00</u>

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

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

Background (Continued)

Section 2 of Form MS-965 With Adjustments provides information on the fund balance. Categories requiring explanation include:

- The state allocation is available from the Department of Transportation in March of each year. The amount the municipality receives is based half on its population and half on its road mileage.
- Municipalities that transferred roads from the Commonwealth of Pennsylvania to the municipality through the Highway Transfer Program receive annual turnback allocations in March of each year from the Department of Transportation. Turnback allocations are based on the mileage of the roads transferred.
- Expenditures include the total transferred from Section 1.

Section 3 of Form MS-965 With Adjustments determines if the municipality expended Liquid Fuels Tax Fund money in excess of the permissible amount for equipment and the balance that the municipality may carry forward for the purchase of equipment to the subsequent year.

Department of Transportation *Publication 9* requires that the amount expended for equipment purchases in a given year not exceed the sum of the equipment balance carried forward from the previous year and 20 percent of the current year's Liquid Fuels Tax Fund allocation and, if applicable, 20 percent of the turnback allocation plus other Department of Transportation approved adjustments.

If the municipality spent in excess of the amount listed on Line 4, the excess must be reimbursed to the Liquid Fuels Tax Fund.

The equipment balance to be carried forward for the subsequent year is the lesser of the amount on Line 6 or the ending fund balance on Line 6 of Section 2, but not less than zero.

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
BACKGROUND
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

Background (Continued)

Basis of Presentation

The financial activities of the municipality are accounted for in separate funds. The Liquid Fuels Tax Fund is used to account for state aid revenues from the Pennsylvania Department of Transportation used primarily for building and improving local roads and bridges. The Form MS-965 has been prepared in accordance with reporting requirements prescribed by the Pennsylvania Department of Transportation as a result of the Fuels Tax Act 655, as amended, which does not constitute a complete presentation of the entity's assets, liabilities, expenses, and fund balance. Accordingly, the presentation of Form MS-965 With Adjustments is restricted to the Liquid Fuels Tax Fund, which represents a segment of the entity's financial activities.

Basis Of Accounting

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

General Fixed Assets

General fixed assets are recognized as expenditures at the time of purchase. No depreciation has been provided on the heavy equipment used to maintain and repair roads and bridges.

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
2024 FORM MS-965 – SECTION 1
WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ 14,906.77	\$ -	\$ 14,906.77
Computer/Computer related training	-	-	-
Major equipment purchases	78,432.53	-	78,432.53
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	10,536.21	-	10,536.21
Traffic control devices	937.00	-	937.00
Street lighting	-	-	-
Storm sewers and drains	-	-	-
Repairs of tools and machinery	11,806.49	-	11,806.49
Maintenance and repair of roads and bridges	50,463.51	-	50,463.51
Highway construction and rebuilding projects	-	-	-
Miscellaneous	-	-	-
Total (To Section 2, Line 5)	<u>\$ 167,082.51</u>	<u>\$ -</u>	<u>\$ 167,082.51</u>

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
2024 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, 2024	\$ 58,253.69	\$ -	\$ 58,253.69
Receipts:			
2. State allocation	122,040.87	-	122,040.87
2a. Turnback allocation	8,080.00	-	8,080.00
2b. Interest on investments	2,645.20	-	2,645.20
2c. Miscellaneous	52,450.00	-	52,450.00
3. Total receipts	185,216.07	-	185,216.07
4. Total funds available	243,469.76	-	243,469.76
5. Expenditures (Section 1)	167,082.51	-	167,082.51
6. Balance, December 31, 2024	<u>\$ 76,387.25</u>	<u>\$ -</u>	<u>\$ 76,387.25</u>

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
2024 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	\$ 539.96	\$ -	\$ 539.96
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	26,024.17	-	26,024.17
3. PENNDOT approved adjustments	<u>52,450.00</u>	<u>-</u>	<u>52,450.00</u>
4. Total funds available for equipment acquisition	79,014.13	-	79,014.13
5. Less: Major equipment expenditures	<u>78,432.53</u>	<u>-</u>	<u>78,432.53</u>
6. Remainder	<u>581.60</u>	<u>-</u>	<u>581.60</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 581.60</u>	<u>\$ -</u>	<u>\$ 581.60</u>

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

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

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>Amount</u>
Resident	Sale of equipment	\$47,850.00
General Fund	Reimbursement for equipment purchase	<u>4,600.00</u>
Total		<u>\$52,450.00</u>

Lease-Purchase Agreement

On June 30, 2022, the municipality entered into a lease-purchase agreement with Ford Motor Credit Company LLC to purchase a 2022 Ford F-600 truck for \$57,122.00, plus underwriting fees of \$545.00 from the lender. The agreement was for a term of five years at an interest rate of 7.74 percent. Principal and interest payments of \$13,313.75 are due annually. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$4,873.06 and \$3,432.94, respectively. Additionally, the municipality paid principal of \$18,321.50 from the General Fund.

During the current examination period, the municipality paid principal of \$34,472.44 and interest of \$2,083.65 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2024 Form MS-965 - Section 1. The lease-purchase agreement was paid in full on March 25, 2024.

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

Lease-Purchase Agreement

On November 13, 2023, the municipality entered into a lease-purchase agreement with JCB Finance to purchase a 2023 JCB 409 Wheel Loader for \$115,000.00. The municipality made a down payment of \$25,876.44 from the General Fund. The agreement was for a term of four years at an interest rate of six percent. Principal and interest payments of \$25,876.44 are due annually. The total amount to be repaid, including principal and interest, is \$89,123.56.

During the current examination period, the municipality paid principal and interest of \$25,876.44 from the Liquid Fuels Tax Fund. This amount is reflected in major equipment purchases on the 2024 Form MS-965 - Section 1. The amount to be repaid, including principal and interest, as of December 31, 2024 was \$63,247.12.

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
FINDING AND RECOMMENDATIONS
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

Finding - Non-Permissible Expenditure

We tested 15 expenditures totaling \$119,687.87 and found that the municipality made one expenditure for \$6,360.00 during 2024 from the Liquid Fuels Tax Fund for salt brine, which is a non-permissible expenditure.

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 salt brine, are outside the scope of permissible expenditures.

Municipal officials stated that they believed that salt brine was an allowable Liquid Fuels Tax Fund expense.

The failure to follow the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations as noted above could result in the municipality having to reimburse \$6,360.00 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the municipality reimburse \$6,360.00 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the municipality comply with the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's Regulations regarding permissible expenditures.

Management's Response

The municipal officials offered no formal response at this time.

Auditor's Conclusion

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

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
SUMMARY OF ONSITE CLOSEOUT MEETING
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

An onsite closeout meeting was held July 1, 2025. Those participating were:

TOWNSHIP OF FRENCH CREEK

Ms. Kelli Miller, Secretary/Treasurer

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Joe Farah, Auditor

TOWNSHIP OF FRENCH CREEK
MERCER COUNTY
LIQUID FUELS TAX FUND
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2024 TO DECEMBER 31, 2024

This report was initially distributed to:

The Honorable Michael Carroll
Secretary
Department of Transportation

Township of French Creek
Mercer County
1415 Carlton Road
Carlton, PA 16311

The Honorable Mark W. Kline
Chairman of the Board of Supervisors

Ms. Kelli Miller
Secretary/Treasurer

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