

# ATTESTATION ENGAGEMENT

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Borough of Swarthmore

Delaware County, Pennsylvania

23-424

Liquid Fuels Tax Fund

For the Period

January 1, 2021 to December 31, 2023

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November 2024



Commonwealth of Pennsylvania  
Department of the Auditor General

Timothy L. DeFoor • Auditor General

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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 examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Borough of Swarthmore, Delaware County, for the period January 1, 2021 to December 31, 2023. The municipality's management is responsible for presenting the Forms 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 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. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Forms MS-965 are presented in accordance with the criteria described above, in all material respects. An examination involves performing procedures to obtain evidence about the Forms 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 Forms 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 qualified opinion.

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

As described in the Auditor Description of Select Transactions section of this report, the adjustments included on the Forms MS-965 With Adjustments are made by the Department of the Auditor General.

## Independent Auditor's Report (Continued)

As discussed in the Findings No. 1, our examination disclosed that the municipality over expended approved amounts for road construction projects Nos. 20-23424-001, 21-23424-001 and 22-23424-001 by \$8,020.75. Additionally, as discussed in Finding No. 2, the municipality expended \$10,932.75 during 2021 from the Liquid Fuels Tax Fund for clean water 92A annual permit fees, which are non-permissible expenditures.

In our opinion, except for the matter discussed in the preceding paragraphs, the Forms MS-965 With Adjustments present, in all material respects, the information required by the Pennsylvania Department of Transportation for the Liquid Fuels Tax Fund of the Borough of Swarthmore, Delaware County, for the period January 1, 2021 to December 31, 2023, in accordance with the criteria described in the Background section of this report and the Department of Transportation's *Publication 9*.

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 or regulations that have a material effect on the Forms MS-965; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the Forms MS-965. 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 Forms MS-965 are presented in accordance with the criteria described above and not for the purpose of expressing an opinion on internal control over reporting on the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions.

*A deficiency in internal control* 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 and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Forms MS-965 will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over reporting on the Forms MS-965 was for the limited purpose of expressing an opinion on whether the Forms MS-965 are presented in accordance with the criteria described above and would not necessarily identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our engagement we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

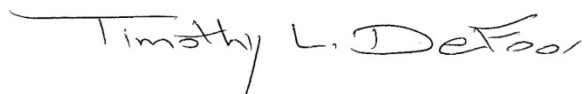
## Independent Auditor's Report (Continued)

As part of obtaining reasonable assurance about whether the Forms MS-965 are free from material misstatement, we performed tests of the Borough of Swarthmore, Delaware County's compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of amounts on the Forms MS-965. However, providing an opinion on compliance with those provisions was not an objective of our engagement, and accordingly, we do not express such an opinion. The results of our tests disclosed the following instances of noncompliance that are required to be reported under *Government Auditing Standards*:

- Liquid Fuels Money Over Expended on Projects - Recurring.
- Non-Permissible Expenditures - Recurring.

The purpose of this report is to determine whether the municipality's Liquid Fuels Tax Fund money is spent in accordance with the laws and regulations identified in the Background section of this report and the Department of Transportation's *Publication 9*. This report is not suitable for any other purpose.

We appreciate the courtesy extended by the Borough of Swarthmore, Delaware 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 11, 2024

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BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

Background

The Liquid Fuels Tax Municipal Allocation Law, Act 655 of 1956, as amended, see also 72 P.S. § 2615.5, et sec., 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 in the state; and (2) 50 percent on the proportion of a municipality's population to the total population in the state.

Title 75 Pa.C.S. § 9511 of the Pennsylvania Vehicle Code 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 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).
2. Make deposits and payments or expenditures in compliance with Act 655 of 1956, 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 into the Liquid Fuels Tax Fund.

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 BACKGROUND  
 FOR THE PERIOD  
 JANUARY 1, 2021 TO DECEMBER 31, 2023

Background (Continued)

3. Submit the Pennsylvania Department of Community and Economic Development’s (DCED) Report of Elected and Appointed Officials by January 31<sup>st</sup> and the Survey of Financial Condition By March 15<sup>th</sup>.
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:

2020	2021	2022	2023
\$11,300.00	\$11,500.00	\$11,800.00	\$12,200.00

- 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:

2020	2021	2022	2023
\$11,300.00	\$11,500.00	\$11,800.00	\$12,200.00

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

BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

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.



BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
BACKGROUND  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

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, 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 Form 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 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.

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2021 FORM MS-965 – SECTION 1  
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ -	\$ -	\$ -
Computer/Computer related training	-	-	-
Major equipment purchases	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	8,694.07	-	8,694.07
Traffic control devices	7,674.88	-	7,674.88
Street lighting	32,226.94	-	32,226.94
Storm sewers and drains	9,309.50	500.00	9,809.50
Repairs of tools and machinery	820.37	-	820.37
Maintenance and repair of roads and bridges	8,718.22	-	8,718.22
Highway construction and rebuilding projects	111,356.60	-	111,356.60
Miscellaneous	500.00	(500.00)	-
	<u>500.00</u>	<u>(500.00)</u>	<u>-</u>
Total (To Section 2, Line 5)	<u>\$ 179,300.58</u>	<u>\$ -</u>	<u>\$ 179,300.58</u>

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2021 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, 2021	\$ 19,220.53	\$ -	\$ 19,220.53
Receipts:			
2. State allocation	158,481.83	-	158,481.83
2a. Turnback allocation	-	-	-
2b. Interest on investments	18.78	-	18.78
2c. Miscellaneous	10,319.75	-	10,319.75
3. Total receipts	<u>168,820.36</u>	<u>-</u>	<u>168,820.36</u>
4. Total funds available	<u>188,040.89</u>	<u>-</u>	<u>188,040.89</u>
5. Expenditures (Section 1)	<u>179,300.58</u>	<u>-</u>	<u>179,300.58</u>
6. Balance, December 31, 2021	<u><u>\$ 8,740.31</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 8,740.31</u></u>

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2021 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	\$ 19,220.53	\$ -	\$ 19,220.53
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	31,696.37	-	31,696.37
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	50,916.90	-	50,916.90
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>50,916.90</u>	<u>-</u>	<u>50,916.90</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 8,740.31</u>	<u>\$ -</u>	<u>\$ 8,740.31</u>

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2022 FORM MS-965 – SECTION 1  
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ -	\$ -	\$ -
Computer/Computer related training	-	-	-
Major equipment purchases	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	4,718.40	-	4,718.40
Traffic control devices	3,041.08	(71.91)	2,969.17
Street lighting	1,187.90	-	1,187.90
Storm sewers and drains	6,721.25	-	6,721.25
Repairs of tools and machinery	50.48	-	50.48
Maintenance and repair of roads and bridges	13,438.71	-	13,438.71
Highway construction and rebuilding projects	98,772.49	-	98,772.49
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 127,930.31</u>	 <u>\$ (71.91)</u>	 <u>\$ 127,858.40</u>

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2022 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, 2022	\$ 8,740.31	\$ -	\$ 8,740.31
Receipts:			
2. State allocation	163,179.70	-	163,179.70
2a. Turnback allocation	-	-	-
2b. Interest on investments	1,863.93	-	1,863.93
2c. Miscellaneous	5,690.75	-	5,690.75
3. Total receipts	<u>170,734.38</u>	<u>-</u>	<u>170,734.38</u>
4. Total funds available	<u>179,474.69</u>	<u>-</u>	<u>179,474.69</u>
5. Expenditures (Section 1)	<u>127,930.31</u>	<u>(71.91)</u>	<u>127,858.40</u>
6. Balance, December 31, 2022	<u><u>\$ 51,544.38</u></u>	<u><u>\$ 71.91</u></u>	<u><u>\$ 51,616.29</u></u>

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2022 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	\$ 8,740.31	\$ -	\$ 8,740.31
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	32,635.94	-	32,635.94
3. PENNDOT approved adjustments	<u>-</u>	<u>-</u>	<u>-</u>
4. Total funds available for equipment acquisition	41,376.25	-	41,376.25
5. Less: Major equipment expenditures	<u>-</u>	<u>-</u>	<u>-</u>
6. Remainder	<u>41,376.25</u>	<u>-</u>	<u>41,376.25</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 41,376.25</u>	<u>\$ -</u>	<u>\$ 41,376.25</u>

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2023 FORM MS-965 – SECTION 1  
 WITH ADJUSTMENTS

<u>Expenditure Summary</u>	<u>Reported</u>	<u>Adjustments</u>	<u>Adjusted Amount</u>
Minor equipment purchases	\$ -	\$ -	\$ -
Computer/Computer related training	-	-	-
Major equipment purchases	-	-	-
Agility projects	-	-	-
Cleaning streets and gutters	-	-	-
Winter maintenance services	-	-	-
Traffic control devices	4,165.04	-	4,165.04
Street lighting	611.59	-	611.59
Storm sewers and drains	-	-	-
Repairs of tools and machinery	-	-	-
Maintenance and repair of roads and bridges	17,951.78	(2,891.00)	15,060.78
Highway construction and rebuilding projects	76,847.34	2,891.00	79,738.34
Miscellaneous	-	-	-
 Total (To Section 2, Line 5)	 <u>\$ 99,575.75</u>	 <u>\$ -</u>	 <u>\$ 99,575.75</u>



BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2023 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, 2023	\$ 51,544.38	\$ 71.91	\$ 51,616.29
Receipts:			
2. State allocation	168,032.27	-	168,032.27
2a. Turnback allocation	-	-	-
2b. Interest on investments	7,835.55	-	7,835.55
2c. Miscellaneous	-	-	-
3. Total receipts	<u>175,867.82</u>	<u>-</u>	<u>175,867.82</u>
4. Total funds available	<u>227,412.20</u>	<u>71.91</u>	<u>227,484.11</u>
5. Expenditures (Section 1)	<u>99,575.75</u>	<u>-</u>	<u>99,575.75</u>
6. Balance, December 31, 2023	<u><u>\$ 127,836.45</u></u>	<u><u>\$ 71.91</u></u>	<u><u>\$ 127,908.36</u></u>

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 2023 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	\$ 41,376.25	\$ -	\$ 41,376.25
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	33,606.45	-	33,606.45
3. PENNDOT approved adjustments	-	-	-
4. Total funds available for equipment acquisition	74,982.70	-	74,982.70
5. Less: Major equipment expenditures	-	-	-
6. Remainder	<u>74,982.70</u>	<u>-</u>	<u>74,982.70</u>
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	<u>\$ 74,982.70</u>	<u>\$ -</u>	<u>\$ 74,982.70</u>

BOROUGH OF SWARTHMORE  
 DELAWARE COUNTY  
 LIQUID FUELS TAX FUND  
 AUDITOR DESCRIPTION OF SELECT TRANSACTIONS  
 FOR THE PERIOD  
 JANUARY 1, 2021 TO DECEMBER 31, 2023

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

Adjustments

2021 - Section 1

Adjustments was made to “Storm sewers and drains” and “Miscellaneous” because expenditures of \$500.00 were misclassified.

2022 - Section 1

An adjustment of \$71.91 was made to “Traffic control devices” because these expenditures were overstated.

2023 - Section 1

Adjustments were made to “Maintenance and repair of roads and bridges” and “Highway construction and rebuilding projects” because expenditures of \$2,891.00 were misclassified.

2023 - Section 2

An adjustment of \$71.91 was made to “Balance, January 1, 2023” to reflect the adjustment made to the fund balance in 2022 - Section 2.

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>2021</u>	<u>2022</u>
General Fund	Reimbursement (Summary of 2019 Examination Recommendation)	\$ 9,187.75	\$ -
General Fund	Winter maintenance agreement	1,132.00	-
General Fund	Reimbursements (Summary of Prior Examination Recommendations)	-	4,485.25
General Fund	Refund of payment in error	-	1,205.50
Totals		<u>\$10,319.75</u>	<u>\$5,690.75</u>

BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
AUDITOR DESCRIPTION OF SELECT TRANSACTIONS  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

Payment In Error

On May 10, 2022, the municipality expended \$1,205.50 from its Liquid Fuels Tax Fund for engineering on a storm water inlet replacement. On June 15, 2022, the municipality transferred \$1,205.50 from its General Fund to its Liquid Fuels Tax Fund to correct the payment in error.

BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

**Finding No. 1 - Liquid Fuels Money Over Expended On Projects - Recurring**

We cited the municipality for liquid fuels money over expending approved amounts on road construction projects during the two previous audit periods, with the most recent being January 1, 2020 to December 31, 2020. Our current examination disclosed that the municipality expended an additional \$3,938.00 related to project No. 20-23424-001 in 2021, as well as \$110,833.85 of Liquid Fuels Tax Fund money on construction project No.21-23424-001 and \$101,732.49 of Liquid Fuels Tax Fund money on project No. 22-23424-001. However, the amount of Liquid Fuels Tax Fund money approved by the Department of Transportation to be expended from the Liquid Fuels Tax Fund for these projects was \$109,711.10 in 2021 and \$98,772.49 in 2022, respectively. The difference of \$8,020.75 should have been paid directly from the General Fund.

The Department of Transportation's Regulations do not permit a municipality to expend Liquid Fuels Tax Fund money in excess of the amount approved on Municipal Services Completion Report Form MS-999.

The failure to comply with the Department of Transportation's Regulations could result in the municipality having to reimburse \$8,020.75 to its Liquid Fuels Tax Fund.

This condition occurred because the municipality expended Liquid Fuels Tax Fund monies for engineering expenses related to their projects in 2020, 2021 and 2022 that should have been paid directly from the General Fund.

**Recommendations**

We recommend that the municipality reimburse \$8,020.75 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We again recommend that, in the future, the municipality expend only the approved amount of Liquid Fuels Tax Fund money on road construction projects.

**Management's Response**

The borough manager/secretary stated:

I am not taking responsibility for actions prior to my tenure.

BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

**Finding No. 1 - Liquid Fuels Money Over Expended On Project - Recurring (Continued)**

Auditor's Conclusion

This is a recurring finding. We again strongly recommend that the municipality comply with our recommendations. During our next examination, we will determine if the municipality complied with our recommendations.

BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

**Finding No. 2 - Non-Permissible Expenditures - Recurring**

We cited the municipality for non-permissible expenditures in our prior examination report. Our current examination disclosed that the municipality expended \$10,932.75 during 2021 from the Liquid Fuels Tax Fund for clean water 92A annual permit fees, which are non-permissible 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 clean water 92A permit fees, are outside the scope of permissible expenditures.

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 \$10,932.75 to its Liquid Fuels Tax Fund.

We could not determine why this condition occurred.

**Recommendations**

We recommend that the municipality reimburse \$10,932.75 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

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

BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
FINDINGS AND RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

**Finding No. 2 - Non-Permissible Expenditures - Recurring (Continued)**

Management's Response

The borough manager/secretary stated:

I am not taking responsibility for actions prior to my tenure.

Auditor's Conclusion

This is a recurring finding. We again strongly recommend that the municipality comply with our recommendations. During our next examination, we will determine if the municipality complied with our recommendations.



BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF PRIOR EXAMINATIONS' RECOMMENDATIONS  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

Summary Of Prior Examination Recommendations

In our prior report, we recommended that the Department of Transportation review our findings to determine if the municipality should reimburse its Liquid Fuels Tax Fund \$2,773.25 liquid fuels money being over expended on a project and \$1,712.00 for non-permissible expenditures.

The municipality reimbursed these amounts to its Liquid Fuels Tax Fund on May 18, 2022.

In our prior report, we also recommended that the municipality:

- Expend only the approved amount of Liquid Fuels Tax Fund Money on road construction projects,
- Comply with the Liquid Fuels Tax Municipal Allocation Law and the Department of Transportation's regulations regarding permissible expenditures.

During our current examination, we noted that the municipality did not comply with the two bulleted recommendations above (see Findings Nos. 1 and 2).

Summary of 2019 Examination Recommendation

In our 2019 examination report, we recommended that the Department of Transportation review our finding to determine if the municipality should reimburse \$9,187.75 to its Liquid Fuels Tax Fund for liquid fuels money being over expended on two construction projects.

During our prior examination, we reviewed a letter dated April 1, 2021, from the Department of Transportation directing the municipality to reimburse \$9,187.75 to its Liquid Fuels Tax Fund. The municipality reimbursed this amount on April 15, 2021.

BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
SUMMARY OF ONSITE CLOSEOUT MEETING  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

An onsite closeout meeting was held April 17, 2024. Those participating were:

BOROUGH OF SWARTHMORE

Mr. William Webb, Borough Manager/Secretary

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Vince Gillen, Auditor

BOROUGH OF SWARTHMORE  
DELAWARE COUNTY  
LIQUID FUELS TAX FUND  
REPORT DISTRIBUTION  
FOR THE PERIOD  
JANUARY 1, 2021 TO DECEMBER 31, 2023

This report was initially distributed to:

**The Honorable Michael Carroll**  
Secretary  
Department of Transportation

**Borough of Swarthmore**  
Delaware County  
121 Park Avenue  
Swarthmore, PA 19081

**The Honorable Jill Gaieski**  
President of Council

**Mr. William Webb**  
Borough Manager/Secretary

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