ATTESTATION ENGAGEMENT

Borough of Wilson

Northampton County, Pennsylvania 48-418

Liquid Fuels Tax Fund
For the Period
January 1, 2023 to December 31, 2024

October 2025



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 have examined the accompanying Forms MS-965 With Adjustments for the Liquid Fuels Tax Fund of the Borough of Wilson, Northampton County, for the period January 1, 2023 to December 31, 2024. 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 discussed in the Findings And Recommendations section of this report, our examination disclosed the borough expended \$19,725.07 during 2024 from the Liquid Fuels Tax Fund for the purchase of street and traffic signs and hardware without maintaining documentation for price quotations.

<u>Independent Auditor's Report (Continued)</u>

In our opinion, except for the effects of the deviations from the criteria 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 Wilson, Northampton County, for the period January 1, 2023 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*.

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 Forms 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 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 the Forms MS-965 or on compliance and other matters; accordingly, we express no such opinions. Our examination disclosed the following finding that is required to be reported under *Government Auditing Standards*:

• Documentation For Price Quotations Was Not Available For Examination.

We also noted a 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 Allocation.

Timothy L. Detool

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 Borough of Wilson, Northampton 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 29, 2025

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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.

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:

2021	2022	2023	2024
\$11,500.00	\$11,800.00	\$12,200.00	\$12,600.00

• 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:

2021	2022	2023	2024
\$11,500.00	\$11,800.00	\$12,200.00	\$12,600.00

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

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.

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 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 WILSON NORTHAMPTON COUNTY LIQUID FUELS TAX FUND 2023 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

Expenditure Summary	Reported		Adjustments		Adjusted Amount	
Minor equipment purchases	\$	6,650.00	\$	-	\$	6,650.00
Computer/Computer related training		-		-		-
Major equipment purchases		25,000.00		-		25,000.00
Agility projects		-		-		-
Cleaning streets and gutters		-		-		-
Winter maintenance services		21,172.05		-		21,172.05
Traffic control devices		16,422.91		-		16,422.91
Street lighting		30,090.08		-		30,090.08
Storm sewers and drains		-		-		-
Repairs of tools and machinery		5,014.47		-		5,014.47
Maintenance and repair of						
roads and bridges		-		-		-
Highway construction and						
rebuilding projects		108,830.25		-		108,830.25
Miscellaneous						
Total (To Section 2, Line 5)	\$	213,179.76	\$		\$	213,179.76

BOROUGH OF WILSON NORTHAMPTON COUNTY LIQUID FUELS TAX FUND 2023 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	Reported	Adjustments	Adjusted Amount
1. Balance, January 1, 2023	\$ 210,864.14	\$ -	\$ 210,864.14
Receipts: 2. State allocation	197,112.46	-	197,112.46
2a. Turnback allocation2b. Interest on investments2c. Miscellaneous	- 2,483.94 -	- - -	2,483.94 -
3. Total receipts	199,596.40		199,596.40
4. Total funds available	410,460.54		410,460.54
5. Expenditures (Section 1)	213,179.76		213,179.76
6. Balance, December 31, 2023	\$ 197,280.78	\$ -	\$ 197,280.78

BOROUGH OF WILSON NORTHAMPTON COUNTY LIQUID FUELS TAX FUND 2023 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance	Reported	Adju	stments	Adjusted Amount
1. Prior year equipment balance	\$ 97,607.78	\$	-	\$ 97,607.78
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)	39,422.49		-	39,422.49
3. PENNDOT approved adjustments	<u>-</u>			
4. Total funds available for equipment acquisition	137,030.27		-	137,030.27
5. Less: Major equipment expenditures	25,000.00			 25,000.00
6. Remainder	 112,030.27			 112,030.27
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$ 112,030.27	\$	<u>-</u>	\$ 112,030.27

BOROUGH OF WILSON NORTHAMPTON COUNTY LIQUID FUELS TAX FUND 2024 FORM MS-965 – SECTION 1 WITH ADJUSTMENTS

Expenditure Summary	Reported		Adjustments		Adjusted Amount	
Minor equipment purchases	\$	7,854.88	\$	_	\$	7,854.88
Computer/Computer related training		-		-		-
Major equipment purchases		25,000.00		-		25,000.00
Agility projects		-		-		-
Cleaning streets and gutters		_		-		_
Winter maintenance services		32,983.58		-		32,983.58
Traffic control devices		34,249.33		-		34,249.33
Street lighting		31,503.09		-		31,503.09
Storm sewers and drains		_		-		_
Repairs of tools and machinery		22,821.43		-		22,821.43
Maintenance and repair of						
roads and bridges		_		-		_
Highway construction and						
rebuilding projects		5,987.57		-		5,987.57
Miscellaneous		69.50				69.50
Total (To Section 2, Line 5)	\$	160,469.38	\$		\$	160,469.38

BOROUGH OF WILSON NORTHAMPTON COUNTY LIQUID FUELS TAX FUND 2024 FORM MS-965 – SECTION 2 WITH ADJUSTMENTS

Fund Balance	Reported	Adj	ustments	Adjusted Amount
1. Balance, January 1, 2024	\$ 197,280.78	\$	-	\$ 197,280.78
Receipts:	107070			1070700
2. State allocation	195,820.06		-	195,820.06
2a. Turnback allocation	-		-	-
2b. Interest on investments	4,841.51		-	4,841.51
2c. Miscellaneous	 			
3. Total receipts	 200,661.57			 200,661.57
4. Total funds available	 397,942.35			 397,942.35
5. Expenditures (Section 1)	 160,469.38			 160,469.38
6. Balance, December 31, 2024	\$ 237,472.97	\$		\$ 237,472.97

BOROUGH OF WILSON NORTHAMPTON COUNTY LIQUID FUELS TAX FUND 2024 FORM MS-965 – SECTION 3 WITH ADJUSTMENTS

Equipment Balance	Reported		Reported Adjustments			Adjusted Amount
1. Prior year equipment balance	\$	112,030.27	\$	-	\$	112,030.27
2. Add: Current year equipment allocation (20% of Lines 2 + 2a, Section 2)		39,164.01		-		39,164.01
3. PENNDOT approved adjustments		<u>-</u>				
4. Total funds available for equipment acquisition		151,194.28		-		151,194.28
5. Less: Major equipment expenditures		25,000.00				25,000.00
6. Remainder		126,194.28				126,194.28
7. Equipment balance available for subsequent year (Lesser of Line 6 or Section 2 balance, but not less than zero)	\$	126,194.28	\$	_	\$	126,194.28
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BOROUGH OF WILSON NORTHAMPTON COUNTY LIQUID FUELS TAX FUND AUDITOR DESCRIPTION OF SELECT TRANSACTIONS FOR THE PERIOD JANUARY 1, 2023 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 details.

Miscellaneous Expenditures

During 2024, the municipality expended \$69.50 from the Liquid Fuels Tax Fund for business checks.

Lease-Purchase Agreement

On January 7, 2020, the municipality entered into a lease-purchase agreement with F.N.B. Commercial Leasing to purchase a Case loader for \$136,020.00. The agreement was for a term of six years at an interest rate of 3.709 percent. Principal and interest payments of \$25,000.00 are due annually. Prior years' principal and interest payments from the Liquid Fuels Tax Fund were \$66,257.80 and \$8,742.20, respectively.

During the current examination period, the municipality paid principal of \$45,656.29 and interest of \$4,343.71 from the Liquid Fuels Tax Fund. These amounts are reflected in major equipment purchases on the 2023 and 2024 Forms MS-965 - Section 1. The outstanding balance of the lease-purchase agreement as of December 31, 2024, was \$24,105.91, plus interest.

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

We tested eight expenditures totaling \$19,725.07 that required the borough to maintain documentation for price quotations and found that the borough expended \$19,725.07 during 2024 from the Liquid Fuels Tax Fund for the purchase of street and traffic signs and hardware without maintaining documentation for price quotations.

Invoice Number	Invoice <u>Date</u>	Check <u>Number</u>	Check <u>Date</u>	Amount
5268 5289	01/10/24 01/24/24	1235 1243	01/22/24 02/12/24	\$ 1,835.00 5,456.00
5297	01/30/24	1243	02/12/24	350.00
5307 6216546	01/30/24 02/06/24	1243 1248	02/12/24 02/26/24	75.00 2,862.00
5351 5364	02/23/24 02/29/24	1249 1253	02/26/24 03/11/24	6,177.75
622220	02/29/24 08/06/24	1233 1287	08/11/24	2,673.00 296.32
			Total	\$19,725.07

The above expenditures were not made in compliance with the contract requirements of *The Borough Code*, 53 P.S. § 46402(a.1), (also found at § 1402(a.1) of *The Borough Code* as published by the Local Government Commission), which states, in part:

Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts [during 2012] that exceed ten thousand dollars (\$10,000.00) but are less than the amount [in excess of \$18,500.00] requiring advertisement and competitive bidding or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

<u>Finding No. 1 - Documentation For Price Quotations Was Not Available For Examination</u> (Continued)

The thresholds for obtaining price quotations increased to purchases between \$12,200.00 and \$22,500.00 for 2023, \$12,600.00 and \$23,200.00 for 2024, and \$12,900.00 and \$23,800.00 for 2025.

We were unable to determine the cause of this condition during our examination.

The failure to comply with *The Borough Code* could result in the borough having to reimburse \$19,725.07 to its Liquid Fuels Tax Fund.

Recommendations

We recommend that the borough reimburse \$19,725.07 to its Liquid Fuels Tax Fund upon official notification by the Department of Transportation.

We further recommend that the borough comply with *The Borough Code* as noted in this finding.

Management's Response

The borough officials offered no formal response at this time.

Auditor's Conclusion

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

Finding No. 2 - Late Receipt Of Allocation

Our examination disclosed that the 2024 Liquid Fuels Tax Fund allocation of \$195,820.06, which should have been distributed from the Department of Transportation to the municipality during the first week of March of that year, was not received until July 3, 2024, because the municipality failed to comply with the Department of Transportation's *Publication 9*, Chapter Two, Section 2.4, which states:

To qualify for the annual liquid fuels tax allocation, a municipality shall:

- Submit annual reports (MS-965, Actual Use Report, MS-965P, Project and Miscellaneous Receipts, and MS-965S, Record of Checks).
- Make deposits and payments or expenditures in compliance with the Act 655. Failure to do so may result in not receiving allocations from PENNDOT until all discrepancies are resolved.
- Submit the Pennsylvania Department of Community and Economic Development's (DCED) Report of Elected and Appointed Officials by January 31st and the Survey of Financial Condition by March 15th.
- Ensure resolution of all Contractor Responsibility Program (CRP) holds and blocks imposed by the Department of Revenue and the Department of Labor and Industry.
- 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.

Because the municipality did not timely submit its Form MS-965 timely, it did not have use of the 2024 allocation for four months. Furthermore, had the allocation 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.

We noted that the borough received its 2025 Liquid Fuels Tax Fund allocation on time.

Finding No. 2 - Late Receipt Of Allocation (Continued)

Recommendation

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

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 borough complied with our recommendation.

BOROUGH OF WILSON NORTHAMPTON COUNTY LIQUID FUELS TAX FUND SUMMARY OF ONSITE CLOSEOUT MEETING FOR THE PERIOD JANUARY 1, 2023 TO DECEMBER 31, 2024

An onsite closeout meeting was held July 2, 2025. Those participating were:

BOROUGH OF WILSON

Ms. Jill Garcia, Chief Administrator/Secretary

DEPARTMENT OF THE AUDITOR GENERAL

Mr. Matthew R. Hotchkiss, Audit Supervisor

This report was initially distributed to:

The Honorable Michael Carroll

Secretary
Department of Transportation

Borough of WilsonNorthampton County
2040 Hay Terrace
Easton, PA 18042

The Honorable John Burke
President of Council

Ms. Jill Garcia
Chief Administrator/Secretary

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.