



July 13, 2017

Corey Trinklein, Township Clerk
Birch Run Township
PO BOX 152
8425 Main St.
Birch Run MI 48415

Dear Mr. Trinklein,

I would like to take this opportunity to thank you once again for taking the time to meet with me recently to discuss the operations of Birch Run Township. Our meeting allows the Risk Control Department to assist the Township and its services in reducing any existing and/or potential liability exposures that may be present in your day-to-day operations.

Upon review of the information gathered during our meeting, and pursuant to our conversation, please allow me to offer the following comments and recommendations:

- It is recommended the Township consider developing and implementing a written lease agreement between the Township and the Health Clinic Operators for the use of office space within the Township Office. The agreement should clearly outline the responsibilities of each party along with including a hold harmless clause that indemnifies the Township from any and all liability, injuries and/or damages caused by the Health Clinic Operators. In addition, it is recommended the Health Club Operators provide the Township with a certificate of insurance naming the Township as an additional insured as proof of liability insurance. A sample lease agreement is being forwarded with this letter for your review and use as resource material.
- Per our conversation, I have attached an Incident Reporting form. If the Township could please complete this form anytime damage (or other incidents) occurs at, or to, one of the Township buildings, vehicles, or other property. Notifying the Claims Department of any such incident will allow us to monitor the frequency, and any possible patterns, of damages occurring. This will allow the Risk Control Department to assist the municipality in reducing the potential for further loss.
- The Township should address criminal background check for all employees and annually conduct reviews accordingly. This will help reduce future liabilities from employees. It is recommended that criminal background checks be performed on any prospective employee. This can be accomplished directly through the Michigan Department of State Police ICHAT program, which is a **free** service to all governmental agencies. To enroll in this program and gain access to ICHAT, please see the contact information listed below.

Toni Foster, ICHAT Coordinator
Michigan State Police
Criminal Justice Information Center
333 South Grand Avenue

Lansing, MI 48913

ICHAT Help Desk
Michigan State Police
Criminal Justice Information Center
P. O. Box 30634
Lansing, Michigan 48909
Tel. 517-241-0606
Fax 517-241-0866
MSP-CRD-ICHATHELP@michigan.gov

- As reported during the Risk Control Site Visit, Sport Leagues are using the Township Park for league play. The Township should complete a written agreement with each league that is using the park for league play. The Township should verify the Sport Leagues have insurance. The Township should be named as an additional insured on all insurance certificates. Sports League insurance certificates should be file within the Township Office.
- The Library should ensure that mechanical rooms are free of flammable materials, that exits are clear of trip hazards, and access to the main fire suppression system are clear of obstructions. This action will help reduce the potential of a fire hazard exiting resulting in a property claim.

Should you have any questions regarding the comments and recommendations, or any other questions regarding liability issues, please do not hesitate to contact the Risk Control Department or myself at any time.

Again, I appreciate the time you took to meet with me. The Michigan Township Participating Plan and the Risk Control Department looks forward to a continued and good working relationship with Birch Run Township and its services.

Respectfully,



Dustin Drabek, Risk Control Representative
Michigan Township Participating Plan (MTPP)

Cc:
Larry Clever, Burnham and Flower Insurance Agency
Heidi Rosenbaum, MTPP Underwriter

Enclosures:
Sample- Incident Reporting Form
Sample- Written Lease Agreement
Sample- Use Agreement (Sport Leagues)



July 13, 2017

Brad Thomas, DPW Supervisor
Birch Run Township
PO BOX 152 8425 Main St.
Birch Run MI 48415

Dear Mr. Thomas,

I would like to take this opportunity to thank you once again for taking the time to meet with me recently to discuss the operations of Birch Run Township DPW Department. Our meeting allows the Risk Control Department to assist the Township DPW Department and its services in reducing any existing and/or potential liability exposures that may be present in your day-to-day operations.

Upon review of the information gathered during our meeting, and pursuant to our conversation, please allow me to offer the following comments and recommendations:

- Per your request, attached is an example DPW Manual for your review.
- Per your request, all DPW forms relevant to your townships operations have been attached for your review and to assist you with creating proper forms for DPW operations, inspections, and general documentation. If you have any questions concerning these forms please contact your Risk Control Representative directly.
- When there is playground equipment present, a park and playground equipment inspection program should be implemented. Regular and frequent inspections of parks, playgrounds and equipment can help reduce a potential physical injury/liability hazard. Documentation is essential. A simple checklist that includes what hazard has been found, the date it was first observed and the date it was repaired will help in providing a stronger defense posture in claims of possible negligence. (A sample format for use as resource material is enclosed) It is suggested the inspections are performed at least weekly during the peak use season and at least once a month during the off-season.

A few key areas to keep in mind during inspection of playground equipment is as follows:

1. Ensure there is adequate fall material, as specified by the U. S. Consumer Product Safety Commission, around all playground equipment.
2. Check for dangerous hardware, like open "S" hooks on swings or protruding bolt ends.
3. Ensure there are no head entrapments on any playground equipment.
4. Ensure there are no trip hazards; including but not limited to exposed concrete footings, tree stumps, or exposed rocks.

The Consumer Product Safety Commission publishes voluntary standards for public playgrounds entitled the **Handbook for Public Playground Safety** at **www.CPSC.gov**. **And search for the document title under safety guidelines and download for your reference and use.** Although these are voluntary standards, they are widely recognized as being the authority on public playgrounds and are often used by plaintiff attorneys as a benchmark in lawsuits.

Should you have any questions regarding the comments and recommendations, or any other questions regarding liability issues, please do not hesitate to contact the Risk Control Department or myself at any time.

Again, I appreciate the time you took to meet with me. The Michigan Township Participating Plan and the Risk Control Department looks forward to a continued and good working relationship with Birch Run Township DPW Department and its services.

Respectfully,



Dustin Drabek, Risk Control Representative
Michigan Township Participating Plan (MTPP)

Cc:
Corey Trinklein, Township Clerk
Larry Clever, Burnham and Flower Insurance Agency
Heidi Rosenbaum, MTPP Underwriter

Enclosures:
Sample- CPSC-Playground Safety Manual (email reference guide)
Sample- Park Inspection Form
Sample- Sidewalk Inspection Form
Sample- Preventive Maintenance Schedule
Sample- DPW Safety Manual (All Policies)
Sample- Work log



July 13, 2017

David Matzke, Fire Chief
Birch Run Township
8411 Main St.
Birch Run MI 48415

Dear Chief Matzke,

I would like to take this opportunity to thank you once again for taking the time to meet with me recently to discuss the operations of the Birch Run Township Fire Department. Our meeting allows the Risk Control Department to assist the Fire Department and its services in reducing any existing and/or potential liability exposures that may be present in your day-to-day operations.

Upon review of the information gathered during our meeting, and pursuant to our conversation, please allow me to offer the following comments and recommendations:

- Occupational medical evaluations should be conducted as part of the hiring process and a condition of employment with the Fire Department after an offer of employment has been made. One of the main concerns is to have physical examinations given which are consistent with the duties a fire fighter will be performing. This requirement should be made part of the Fire Department's policies and procedures or rules and regulations (condition of employment)

The Fire Department may consider using a specific clinic that is familiar with the Department's requirements for physicals. In addition, the Department could develop a form for the potential employee to take with them authorizing the exam and stating that the Department is responsible for the expense.

Occupational medical evaluations shall be conducted as baseline surveillance and annually thereafter. An occupational medical evaluation shall be performed following a member's exposure, illness, injury, or protracted absence from the job. The scope of that evaluation shall be determined by the fire department physician after reviewing the type and severity of the condition.

The components of the medical evaluations shall conform to all applicable U.S. OSHA standards, including 29CFR 1910.120 "hazardous waste operations and emergency response," 29CFR 1910.34, "Respiratory protection," 29CFR 1910.95, "Occupational noise exposure," and 29CFR 1910.1030, "Blood borne pathogens."

- When Fire Department Associations are organized through a membership fee, and dues are maintained in a separate bank account by the association to perform fundraising events (e.g.- to obtain additional fire equipment, clothing not being provided by the municipal entity, or to contribute to charities). However, in order for the association to be a legal entity, they must be properly organized; Risk Control recommends the Department properly inform their Fire Department Association about incorporating properly via the laws of Michigan (Public Act 162 of 1982) by obtaining a 501c3 non-profit status. A properly organized association may obtain a tax identification number and open bank accounts in their own name.

Should you have any questions regarding the comments and recommendations, or any other questions regarding liability issues, please do not hesitate to contact the Risk Control Department or myself at any time.

Again, I appreciate the time you took to meet with me. The Michigan Township Participating Plan and the Risk Control Department looks forward to a continued and good working relationship with the Birch Run Township Fire Department and its services.

Respectfully,



Dustin Drabek, Risk Control Representative
Michigan Township Participating Plan (MTPP)

Cc:
Corey Trinklein, Township Clerk
Larry Clever, Burnham and Flower Insurance Agency
Heidi Rosenbaum, MTPP Underwriter

Enclosures:
Sample- Fire/EMS Policy and Procedure CD



MICHIGAN TOWNSHIP

PARTICIPATING PLAN

July 13, 2017

David Matzke, Fire Chief
Birch Run Township
8411 Main St.
Birch Run MI 48415

Dear Chief Matzke,

I would like to take this opportunity to thank you for taking the time to meet with me recently to discuss the operations of the Birch Run Township Fire Department. Our meeting allows the Risk Control Department to assist the Department and its services in reducing any existing and/or potential liability exposures, which may be present in day-to-day operations.

During our meeting we discussed the various operations of the Department including Policy and Procedures. After review of this information, I have taken this opportunity to develop a Member Compliance Guidelines (MCG) for your Department. Our ultimate goal is to work with you and your Department to complete the MCG. As part of this process, enclosed you will find an MCG Completion Checklist.

I am available to assist your Department and to answer any questions you may have during this process. Also, enclosed is a CD containing all of the necessary information to assist the Department in completing the outlined completion checklist. On this CD, you will also find additional policies and procedures that will guide personnel in dealing with situations not addressed in the outlined checklist, which the Department should consider implementing as they pertain to your Department's operations.

The purpose of the MCG is to assist the Department in addressing the key areas of personnel, training, and safety issues as they pertain to your Department's operations along with keeping personnel aware of what is expected of them during their course of employment with the Department.

The Department should develop, implement and/or update the following Standard Operating Procedures:

Administrative Policies:

- Records Retention And Disposal

Enclosed, you will find an **MCG Completion Checklist** to track your progress and forward to the Risk Control Department upon completion. **Operations and Administration Policies should be addressed by the Department within 120 days (on or before November 13, 2017) to become compliant with the recommendations contained within the checklist.**

Below you will find suggested Additional Policies that would further assist your Department in reducing your liabilities as you operate. The suggested Additional Policies are enclosed within the supplied FIRE/EMS Cd's.


Additional Policies

- Hazard Communication-Employee Right To Know
- Physical Fitness Guidelines
- Confined Space Operations
- Lockout Safety Guidelines
- Water Rescue
- Ice Rescue
- Civil Unrest Emergencies
- Safe Delivery Of Newborn Infant
- Safe Working Environment
- Performance Objectives
- Hose Testing
- Medical Control
- Mutual Aid
- Response To Carbon Monoxide Detector Activations
- HIPAA

In the event you have questions regarding your MCG, the recommendations, other areas of liability, or if I can be of further assistance, please do not hesitate to contact me at any time. Again, I am available to assist you throughout this process and to answer any questions you may have. We appreciate you taking a proactive approach in assisting us with adhering to Underwriting and Reinsurance requirements.

Again, thank you for the time you took to meet with me. The Michigan Township Participating Plan and the Risk Control Department look forward to a continued and good working relationship with you and the Birch Run Township Fire Department

Respectfully,



Dustin Drabek, Risk Control Representative
Michigan Township Participating Plan (MTPP)

Cc:
Corey Trinklein, Township Clerk
Larry Clever, Burnham and Flower Insurance Agency
Heidi Rosenbaum, MTPP Underwriter



MICHIGAN TOWNSHIP

PARTICIPATING PLAN

**Birch Run Township Fire Department
MCG Completion Checklist For
Michigan Township Participating Plan Risk Control Department**

Administration Policies

RECORD RETENTION AND DISPOSAL

Notice of compliance of the above policies should be forwarded to the MTPP Risk Control Department no later than 120 days (*on or before November 13, 2017*). Notification can be sent via fax at 248-371-3069 or mail to: MTPP Risk Control Department 1700 Opdyke Court, Auburn Hills, Michigan 48326

Printed Name and Title

Signature

Date

Approved by Board Official

Signature

Date