



PEP ON POINT

Building Stronger Communities Together

THIRD QUARTER 2023 NEWSLETTER

FEATURE ARTICLE
Time to Take Care of Pipes

CALL FOR PHOTOS
PEP Wants Your Submissions!

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PEP WANTS TO SEE YOUR PHOTOS!

SUBMIT YOUR PHOTOS FOR THE 2024 PEP CALENDAR

Each year, PEP is pleased to put together a printed calendar for members. Not only is the calendar a useful tool for planning, but it benefits members by giving reminders for important dates related to their PEP membership. But perhaps most importantly, **the calendar is a place for the beauty of your entity to shine!**

To submit your photos for consideration, simply visit www.pephio.org, navigate to the Publications tab, and select Annual Calendars. Here you can click on the 2024 submission guidelines, and also download a copy of the 2023 calendar.



WOOD COUNTY PARK DISTRICT



CITY OF BEREA



CANTON CITY PUBLIC HEALTH



FIVE RIVERS METROPARKS

FEATURE ARTICLE

TIME TO TAKE CARE OF THE PIPES

This article is a great reminder if you work for a public entity and are tasked with winterizing and de-winterizing; don't forget the pipes. First, identify all of the entity's buildings, facilities, parks, camps, and restrooms with plumbing. Make sure every pipe is accounted for, and by October of each year, take the time to winterize those pipes.

WINTERIZING PIPES

According to Klaus Reichardt, CEO and founder of Waterless Company Inc., when water is left in fixtures and pipes it expands in wintry weather and may turn to ice. This puts stress and pressure on the fixture, the pipe and the pipe connections. This can often cause damage, even rupturing the pipe and fixture. A ruptured pipe promises at least one result: a hefty plumbing bill.

However, Mr. Reichardt has the perfect procedure to prevent damage from occurring in the first place.

Winterize your pipes following the steps below:

- First, be sure to turn the water off at the pump or the water source.
- Next, open all the taps, and leave them open. A closed tap can create a vacuum in the pipe if closed for a prolonged period. Conversely, an open tap allows any water in the pipe to drain out. Klaus also recommends flushing all toilets and urinals. This also helps remove excess water from pipes.
- Finally, depending on the plumbing in your facility, turn off the water heater and drain it.

That's it! You're now done and ready for the winter season.

DE-WINTERIZING PIPES

What happens when building, facilities and recreational areas reopen in the spring? Reichardt urges that many forget there is an entirely distinct set of plumbing procedures to follow to de-winterize the pipes. According to him, the process is in many ways the opposite of the former and usually looks like this:

- Turn on the water supply to the facility.
- Turn the water heater on; make sure the water-heater drain is closed.
- Turn on faucets and flush toilets and urinals. The water may sputter a bit; this is normal as the pipes become filled and express the air in the system.
- Check the plumbing air vents on top of the facility for leaves and debris. Known as vent stacks, they regulate air pressure, allow fresh air into the plumbing system, and release foul air. If leaves and debris are present, the vents must be cleaned to ensure they work properly.
- Look—and listen—for leaks throughout the facility. Pipe fittings may need to be tightened after months of non-use.

Further, Reichardt recommends checking for odors in locker rooms, changing rooms, kitchen areas, and restrooms. A water leak in a basement or in a crawl space under a building may be causing these odors. In addition, a loose or broken pipe seal, a cracked pipe, or a U-trap that has dried up may cause the odors. The U-trap is the pipe under the sink. It is found under all drains connected to all water-using fixtures.



Example of a U-Trap

Although foul odors might merely seem like a nuisance, these odors can be a warning. Reichardt warns that the odors can be fumes coming from a sewer/drain line. Typically, they contain a variety of pathogens, germs, and bacteria that can harm human health when inhaled—especially if those inhaling these fumes are children or seniors. If the fumes are left unchecked, asthma, headaches, nausea, and other ill-health effects can result. The key is to remove the source of the odors to protect the health of building users.

ADDRESSING FOUL ODORS

Reichardt recommends if the odors result from cracked or broken seals or pipes, a building engineer or plumber will need to repair them. If your facility does not have an engineer on staff, it is time to call a plumber. A plumber may go further than making the necessary repairs. A plumber may also inspect all visible pipes and connection areas, looking for potential trouble spots and repairing them to prevent problems in the future.

As for the U-trap drying out, Reichardt suggests a plumber may not be needed to fix the problem, but it is imperative to not do the following:

- **Do not** pour bleach, chemicals, or products made to unclog drains down the drain. These products contain ingredients that may interact with substances in the pipes, causing more fumes to be released.
- **Do not** ignore the problem. Opening windows or installing odor-killing products are just cover-ups. The root cause of the odor must be addressed.

Instead, he recommends the following:

- Make sure the vent stack is open, clear, and operating correctly. The only way to accomplish this is to get on the roof and check it out.
- Pour about two cups of water down all drains as soon as possible. While this is a temporary fix, it will fill the dried U-traps, blocking sewer odors from being released.
- Pour a liquid primer in each drain. Different manufacturers market these products. They are sometimes called an "ever prime" or "ever primer." These liquids not only fill the U-trap to prevent the release of odors but also are not affected by hot or cold weather, and evaporate very slowly, if at all, making them effective for several months. **Note:** Add this step to your winterizing procedure.

If the odors continue from U-traps after these measures are taken, a plumber may be necessary. The odors may indicate pipes and fittings have become corroded. If that happens, there may be a leak in the U-trap, so even if it is filled with water or a liquid primer, it empties quickly. In such cases, the plumber will likely replace the entire U-trap.

Remember: It's important to address odors as soon as you recognize them. The steps outlined above can help your community stay happy and safe.



To connect with more maintenance tips,
visit the Resource eLibrary available at
www.pepohio.org

RISK SERVICES RESOURCES



SAFETY TIPS FOR FALL ACTIVITIES

Fall can be one of the most enjoyable seasons of the year. Many entities may host parades, costume parties, hayrides, haunted houses, and more. In doing so, they may be focusing so much on entertaining guests that they may not be thinking about the all-too-frightening consequences they could face if someone were injured while attending these events.

Hayrides and bonfires are popular and fun-filled events hosted in the fall, but failure to take precautionary measures can increase a member's exposure to liability. The Consumer Product Safety Commission indicates hayride injuries and fatalities continue to increase each year and bonfires, if not prepared and monitored properly, can cause building and forest fires. To keep all participants safe and reduce the potential for property losses and liability claims, here are some safety tips:

HAYRIDE SAFETY CHECKLIST

- Thoroughly inspect trailers and tractors (or other vehicles used to tow the trailers) at least once per day to ensure safe operation. Inspection should include: tires checked, harnesses, hitches and safety chains in good condition.
- In consultation and compliance with requirements of the manufacturers of a trailer and the vehicle used to pull it, entities should calculate how many people can safely fit on each trailer and never exceed that limit. If a tractor is being used to pull the wagon, make certain the tractor weight is more than the gross weight of the wagon.
- The trailers should be checked for any sharp edges or splinters, loose boards and protruding nails.
- Side railings should be high enough to keep patrons contained inside the trailer, and the trailer should have reflective tape around all sides with appropriate signage.
- Consider the route – no high traffic areas, no steep grades or drop-offs, trim tree branches and perform a documented check of the route on the day of each hayride.
- Drivers for this activity should be both experienced and qualified to operate the vehicle used to tow the trailer. Pull one wagon at a time and drive slowly.

BONFIRE SAFETY CHECKLIST

- Allow 50' of clearance to all buildings and keep the flames/fire under control.
- Burn only dry, seasoned wood rather than coated or treated wood; damp wood creates more smoke.
- Keep water or other fire fighting measures nearby.
- Check the weather, especially for wind, since hot embers can fly into buildings and trees.
- When done with the bonfire, douse the area with water to keep it from reigniting.

For hayrides, consider who the driver will be and who owns the equipment (tractor, truck, trailer). If the township is providing the driver and the equipment, the driver should be trained and the equipment should have documented preventive maintenance and repairs. On-the-job driver's training is sufficient, but remember to document training.

If your entity is subcontracting any of the work, a written agreement should be used stating that the equipment is in good working order and the driver has the expertise to drive the tractor/wagon. The agreement should set required limits of property and liability insurance. It should have a hold harmless and indemnification clause that favors the entity. Make certain to obtain a certificate of liability insurance naming the entity as an additional insured.

What if the driver or tractor owner is a local citizen rather than an organization or a business? The entity can use a written agreement with hold harmless and indemnification language that favors the entity. For all written agreements, the entity should always work with the county prosecutor or other legal counsel to write, review and approve any written agreements.

Autumn flies by in a flash, so take advantage of the crisp weather and beautiful foliage with fun fall activities that everyone will enjoy. For questions or more information on how to prepare for your fall-themed event, please contact your PEP Risk Services consultant.

LEGAL LANDSCAPE

THE OHIO RECREATIONAL USER IMMUNITY STATUTE

BY JIM SCHIRMER | SURDYK, DOWD & TURNER

The autumn in Ohio presents wonderful opportunities to enjoy all that our great parks and recreation areas have to offer. Every day, Ohioans enjoy hiking and bike trails, festivals, sports leagues, and more, providing countless opportunities to get out and enjoy the great outdoors.

Unfortunately, recreational activities come with attendant risks. From a slip and fall to more serious accidents, injuries are likely to happen when people engage in physical activity. When that happens, litigation often ensues. Fortunately, Ohio law clarifies when property owners, which in these cases are often public entities that own and operate parks and other recreational areas, can be held liable for injuries occurring on their premises.

Ohio's recreational user immunity statute, Revised Code Section 1533.181, provides that property owners are not liable for injuries to recreational users caused by defects in the premises themselves or by the actions of the recreational user. The statute defines a recreational user as a person who has permission to "hunt, fish, trap, camp, hike, or swim, or to operate a snowmobile, all-purpose vehicle, or four-wheel-drive motor vehicle, or to engage in other recreational pursuits" on non-residential premises. This definition has been interpreted to include "other recreational pursuits" such as baseball and softball (including spectators), horseback riding, and playing on swings or other playground equipment.

To determine whether property owners are liable to a recreational user who is injured during a recreational pursuit, courts in Ohio look to the purpose for which the property is held open to the public, whether a fee was paid to enter the premises, and if a fee is paid, the purpose for which the fee is paid.

Traditionally, this protection has only applied to parks and other outdoor spaces. The Ohio Supreme Court has held that "completely enclosed, man-made facilities," such as a gymnasium, are not covered under the statute, and the use of such does not make a person a "recreational user" as imagined by the statute. See *Light v. Ohio University* (1986), 28 Ohio St.3d 66, 502 N.E.2d 611. In that case, the Court recognized the recreational user immunity statute as being passed, in part, to conserve natural resources, and since building a gymnasium was not meant to "conserve natural resources," the statute did not apply. But just because a park or outdoor recreational space has buildings and structures does not take it outside of the statute's protection; the recreational user immunity statute protects property owners and properties whose "essential character" fits within the intent of the statute to conserve natural resources. See *Miller v. City of Dayton* (1989), 42 Ohio st.3d 113, 114, 537 N.E.2d 1294. So, a park with restrooms, fences, or a clubhouse would still be protected by recreational user immunity.

Immunity does not apply to ordinary patrons who pay a fee for entry. When a fee is paid, the property is not considered "held open to the public," and therefore the property owner has a duty to patrons to keep the premises safe, regardless of whether the patrons are engaging in a recreational pursuit. However, if no fee is paid to enter or enjoy a park or other property, and that property is held open to the public for recreational purposes, the property owner is entitled to recreational user immunity. The permission to use the property may be either express invitation or through acquiescence. This can be from signs welcoming individuals onto the property or even information contained on websites or promotional materials about recreational events and activities taking place on the property.

If no fee is paid for entry, but is instead charged for other purposes or activities such as renting a cabin or utilizing a power outlet for an RV or trailer, the recreational immunity statute would not protect the property owner for injuries related to the things for which the fee was paid. For example, if a patron paid a fee to rent a cabin and is injured due to a defect in the cabin, the property owner may be liable.

NEED FURTHER LEGAL ADVICE?

Every authorized PEP member is eligible for up to 90 minutes of free legal consultation per year by calling PEP Legal Access at **(877) 250-5545**.

However, if the patron paid a fee to rent a cabin in a park and was injured while playing soccer elsewhere on the premises which are held open to the public to engage in such activities free of charge, the recreational user immunity statute would apply to the injured soccer player.

But what happens when a park charges a fee for parking, but not for entry, per se? It is likely that, just as paying a fee for a cabin opens the property owner to liability related to the cabin, charging a fee for parking would open the property owner to liability related to parking, especially if there are alternative methods of entering the park. While a court may interpret a parking fee as an "entry fee" if the park is only accessible by parking a car on the premises, if the park is accessible through a bike path or other entry a court may not reach the same conclusion, instead interpreting the parking fee as separate from an "entry fee."

The purpose for which the property is held open to the public is also important when determining whether the recreational user immunity statute applies. When an injury occurs due to the premises themselves, the analysis does not depend upon the status of the entrant of the property as, for example, a trespasser, or the activity in which the party was engaged, such as walking in the parking lot. Instead, the statute operates to protect the landowner from liability when the landowner opens the property to the public for all to engage in recreational activities. The key analysis here should focus on the nature and scope of the activity for which the premises are held open to the public, not the particular activity the user was engaged in when the injury occurred. For example, if a cyclist commutes to a friend's house utilizing a bike path that passes through a park held open to the public free of charge, the park owners are immune from liability to the cyclist. Even though the cyclist is merely "passing through," rather than utilizing the property specifically for the activity of cycling, recreational immunity will apply.

Warm months in Ohio provide opportunities to gather and build community. Ohio's parks and recreational areas play a crucial role in doing so, and the Ohio legislature has provided protections for property owners to provide space for this purpose and to conserve Ohio's natural environment. It is important to know when and how provisions like the recreational user immunity statute apply and what responsibilities property owners have so that Ohioans may safely enjoy all that Ohio has to offer.

COVERAGE CORNER

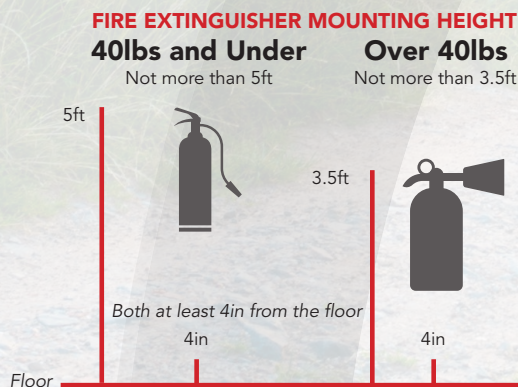
WHERE IS THE FIRE EXTINGUISHER?

Do you know where the fire extinguishers are located or where they should be located?

In the event of a fire, fire extinguishers need correct placement. Extinguishers need to be located along normal paths of travel because extinguishers should be available to occupants when evacuating. You do not want occupants to move away from an exit and risk being trapped by a fire to retrieve an extinguisher. Two key factors, according to the National Fire Protection Association (NFPA), are visibility and accessibility. For visibility, NFPA states, "If visual obstructions cannot be avoided, then arrows, lights, or signs are needed to help indicate where a fire extinguisher is located." For accessibility, NFPA states, "Extinguishers should be placed where they are readily accessible in the event of a fire, which typically includes normal paths of travel."

In addition to visibility and accessibility, consider the weight of your fire extinguisher. According to the NFPA, there are different placement guidelines if the extinguisher weighs less or more than 40 pounds. If your fire extinguisher weighs less than 40 pounds; the bottom of the extinguisher must be at least 4 inches off the ground, and the top of the extinguisher cannot be more than 5 feet from the ground. If your fire extinguisher weighs more than 40 pounds; the bottom of the extinguisher must be at least 4 inches off the ground, and the top of the extinguisher cannot be more than 3.5 feet from the ground. These placement guidelines apply to fire extinguishers in cabinets but does not include wheeled extinguishers.

Fire extinguishers should be mounted to prevent them from being moved or damaged. Dropping a fire extinguisher can damage the operable parts and weaken the casing.



DID YOU KNOW?

RESOURCE ELIBRARY

Having safety tools and checklists is crucial for any entity. Thankfully, PEP's Resource eLibrary contains helpful resources, including best practices, checklists, sample policies and online training courses which are free for PEP members. The Resource eLibrary can be accessed by visiting at www.pephio.org.

LEGAL ACCESS

PEP also provides 90 minutes of free, independent legal consultation per year to each of its members, which is accessible through the **PEP Legal Access Program** at (800) 367-4818.

HAVE YOU EXPLORED NEOGOV LEARN AND ZYWAVE?

Earlier this year, PEP upgraded two platforms within the Resource eLibrary. These two new platforms offer PEP members a cleaner, easier to use interface filled with useful documents, articles, training tools, and more.

Public Entity University (PEU), a favorite resource among PEP members, has been upgraded to a new platform called NeoGov LEARN. Topics and tools included within the platform are: Employment Liability, Streets and Roads, Internet Security/Social Media, Fire Departments, Law Enforcement, General Safety, and many more!

Also newly upgraded for PEP members are the HR and Cyber portals. The updated platform, Zywave, still includes all of the great HR and Cyber resources such as: information on state and federal employment laws, interviewing, background check guidelines, applications, the handbook builder, cyber security training, cyber tips, IT audit kits, checklists, and more.



NeoGov LEARN

Hundreds of in-depth, interactive training courses & resources.

Topics Include:

- Employment Liability
- Stress Management at Work
- Harassment Prevention
- Accident & Incident Investigation
- Managing Stress in Uncertain Times
- Opioid Safety



Zywave Cyber Portal

Cyber tools are available to minimize costly cyber risks to public entities.

Resources Include:

- IT Security Audit Kit & Risk Assessment
- Online Cyber Training & Seminars
- Cyber Best Practices
- Regulations & State Law Resources
- Cyber Tip of the Day



Zywave HR Portal

Find many tools to help navigate through employment issues.

Resources Include:

- Disaster & Emergency Center
- Customizable Forms & Policies
- Employee Handbook Generator
- Background Check Guidelines
- Drug & Alcohol Policies
- State & Federal Employment Laws

Ready to Start Exploring? Visit www.pepohio.org and visit the Resource eLibrary to get started!

'FREE FOR ALL'

PEP BENEFITS

TAKE ADVANTAGE OF PEP'S MEMBER SERVICES

PEP members are entitled to benefits that help them better serve their communities. Some are time-sensitive, so take action soon.

PEP+ GRANT

UP TO \$1,000 FOR MEMBERS

As part of PEP's loss control and risk management initiative, PEP members may now apply for a grant of **up to \$1,000**. Funds are allocated on a first-come, first-served basis, so it's important to apply ASAP. Grants are awarded to help offset qualifying expenses covering safety items that help prevent or reduce liability claims or property losses. Funds are available for purchases or expenses incurred during the application period. Access the PEP+ Grant Program application by visiting www.pepohio.org.

LEGAL ACCESS

FREE CONSULTATIONS

When you need a lawyer's opinion for a community-related issue, put your PEP membership to work. Every PEP member is eligible for up to 90 minutes of free legal consultation per year, covering issues associated with human resources, zoning, land use, open records/open meetings, and more. Authorized PEP member representatives seeking legal consultation services should call PEP Legal Access at (877) 250-5545 to request up to 90 minutes of free advice, guidance or information.

RESOURCE ELIBRARY

PEP maintains an online library, called the Resource eLibrary, which provides access to thousands of free resources to assist with members' risk management needs. The eLibrary can be accessed anytime from a desktop, laptop, or mobile device. Resources include online training, streamed videos, webinars, seminars, policies, procedures, checklists, best practices, and documents, which can be accessed anytime.

Top Resources this Quarter:

- Bloodborne Pathogens, Don't Take the Risk!
- Accounts and Passwords Best Practices
- Distracted Driving: Game Over
- HIPAA Security and Privacy for Long - Term Care
- Pause for Performance - Sexual Harassment
- Records Management - Best Practices
- Employee Handbooks - Best Practices



CYBER RISK SERVICES ADVISOR

GET YOUR FREE EVALUATION

Get to know **Eric Adonteng**, our Cyber Risk Services Advisor, who's ready to help PEP Members understand the ins-and-outs of cyber breach vulnerabilities. Eric is tasked with visiting interested PEP members, looking into their IT controls, plans, policies, and processes, to uncover any vulnerabilities. Members can schedule a security evaluation with Eric that will include a plan of action to help prevent cyber breach incidents. Eric will also inventory all member-owned equipment to ensure proper identification and coverage. To schedule a free evaluation, call Eric at **(240) 808-9278** or email eric.adonteng@persopool.com.

PEP REGIONAL MEETING



Thank you to all PEP Members who participated in the PEP Regional Meeting in Glouster. Attendees got to learn valuable emergency management best practices from Diana Woolf, Senior Risk Services Consultant for the Public Entities of Ohio. Be on the lookout for future regional meetings, and be sure to utilize the Resource eLibrary for more trainings and best practice guidelines.



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UPCOMING EVENTS

PEP BOARD MEETING

November 07, 2023

APPLY NOW PEP+ GRANT

Each year, the PEP+ Grant offers \$1,000 to fund or partially fund safety items that will aid in property and liability risk management efforts. PEP is pleased to offer this opportunity and takes pride in reinvesting in PEP Members for the future of Ohio communities. To apply, fill out the form at: www.pepohio.org

Look to PEP for comprehensive coverages, exceptional risk management, and stable and competitive pricing for all public entities throughout Ohio.

PEP BOARD OF DIRECTORS

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Every effort has been made to ensure the accuracy of the information in this newsletter. Professional counsel should be sought before any action is taken or decision is made based on this material.

www.pepohio.org