

BOARD OF PUBLIC WORKS AND SAFETY
Agenda Request Form

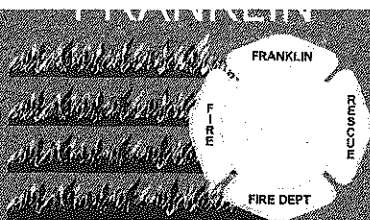
(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard.

Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:15 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	12/10/2013	Requested Meeting Date:	12/16/2013
		Confirmed Meeting Date:	
Received by:			
Contact Information: Please provide all requested information in the fields below. (Print or Type)			
On Behalf of Organization or Individual:		Fire Department	
Name:	John Henderson	Telephone:	736-3650
Title or Position:	Chief		
E-Mail:	jrhenderson@franklin.in.gov		
Address:	1800 Thornburg Lane		
City:	Franklin	State:	IN
		ZIP:	46131
Who will attend the meeting and present the request?			
Name:	Chief Henderson	Telephone:	736-3650
Title or Position:	Chief		
E-Mail:	jhenderson@franklin.in.gov		
Please describe the purpose or title of your presentation.			
request to use 3601N. Morton for training.			
Supporting documents: All supporting documents should be submitted with the request form.			
1. letter of request			
2. asbestos release			
3. IDEM release			
4. Landowner release			

Questions about this application or the process described should be directed to the Clerk Treasurer's Office at 70 E. Monroe Street, Franklin Indiana 46131 or by email at jalexander@franklin.in.gov or call 317-736-3609.



FIRE DEPT.

1800 Thornbury Lane, Franklin, Indiana 46131
PH: (317) 736-3650 F: (317) 346-1238

John D. Henderson
Fire Chief

Jim Reese
Deputy Chief

December 16th 2013

Franklin Board of Works

Please accept this letter for an open discussion from the City of Franklin Fire in regards to utilizing a vacant property at 3601 North Morten Street for training.

We were contacted late this fall by the property owner a Mr. Dean Nikou to utilize this home for training and subsequently burn this home down as part of a training project. I informed him that we would follow all the steps and perform all the inspections necessary to make this happen. We have finally completed these steps and made everyone aware of our intentions.

We have had the State of Indiana and our local Johnson County Health Department inspect the home for any danger to us or the environment, and it has been deemed permissible. We have notified our insurance company and along with consultation with our City Legal we will start the process of documenting any user with a signed waiver of liability.

We want to start using this property as soon as possible and hope that with this final discussion and reassurance from City Legal that we are ready. Our intentions are to train the months of December and January, with a final burn in late January or early February.

We thank you all for your support to take advantage of this opportunity. It is so rare that we find a home to utilize for realistic training evolutions. The benefits of using this home reach every firefighter and provide valuable experience.

Respectfully Submitted,

John D. Henderson
Chief of Franklin Fire



JOHNSON COUNTY HEALTH DEPARTMENT

Courthouse Annex
86 West Court Street
Franklin, Indiana 46131

317-346-4365
Fax 317-736-5264

November 19, 2013

John Henderson
Chief
Franklin Fire Department
1800 Thornburg Lane
Franklin, Indiana 46131

RE: 3601 N. Morton Street

Demolition of the above listed property is scheduled to begin early next year. The Franklin Fire Department would like to use the home for training purposes and is concerned with possible exposure to asbestos when burning the home.

An asbestos inspection was conducted on November 13, 2013. No suspect asbestos containing materials were found to be present in the home. No samples were taken based on this fact. Due to these findings the home does not pose a health or safety threat with regard to indoor air quality.

If you have any questions or concerns, please feel free to contact me at 346-4374.

Sincerely,

Elizabeth Swearingen
Environmental Health Specialist
Johnson County Health Department
IDEM Asbestos Inspector License #192421046
Effective: 05/30/2013 Expiration: 05/30/2014

John Henderson

From: Todd Bridges
Sent: Wednesday, September 04, 2013 5:50 PM
To: John Henderson
Subject: 3601 n us 31

Chief,

Only structure within 500ft of the structure to be burned is located across 31 at:

3550 N MORTON ST
FRANKLIN

Owners Name and info is:
TARR SPENCER A
850 E KING ST
FRANKLIN, IN 46131-1856
Ph# 317-738-3659

4 Properties within 500ft of the structure to be burned are:

#1 Directly north of

3865 N US 31
FRANKLIN

Owner info:
JRM ASSOCIATES LP
6848 N COUNTY ROAD 250
E
WHITELAND, IN 46184

#2 Across 31

Franklin Church of Christ
3600 N MORTON ST
FRANKLIN

Mailing address:
PO BOX 188
FRANKLIN, IN 46131-0188

#3 Across 31

3550 N MORTON ST
FRANKLIN

Owners Name and address is:
TARR SPENCER A
850 E KING ST

FRANKLIN, IN 46131-1856

Ph# 317-738-3659

#4 Across 31

JOHNSON COUNTY ASSOCIATION FOR RETARDED CITIZENS INC
3500 N MORTON ST
FRANKLIN

Mailing address:
JOHNSON COUNTY ASSOCIATION FOR RETARDED CITIZENS INC
PO BOX 216
FRANKLIN, IN 46131-0216

Todd



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

MEMORANDUM

TO: Applicant

FROM: Phil Perry, Chief ^{STP}
Air Compliance & Enforcement Branch
Office of Air Quality

SUBJECT: Effective Date of Open Burning Approval

The enclosed letter of approval is issued based on an application that you submitted to the Office of Air Quality. In addition to the specific conditions in the letter, under Indiana Law it is subject to the following:

Pursuant to IC 4-21.5-3-5(f), an approval takes effect 15 days from receipt from receipt of this notice unless a petition for review and a petition for stay of effectiveness are filed within this 15-day period. If a petition for review for stay of effectiveness are filed, any part of the approval within the scope of the petition for stay is stayed an addition 15 days. The portions of the approval for which a petition for stay has been filed will take affect at the expiration of the 15-day period, unless the Administrative Law Judge stays the approval in whole or in part.

You may call the Office of Environmental Adjudication at 317-233-0580 to determine whether a petition for review and a petition for stay of effectiveness have been filed.

Pursuant to IC 13-14-2-7, the commissioner may issue an order to secure compliance with the terms of the approval.

Attachment



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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MEMORANDUM

TO: Permittee / Interested Parties

FROM: Phil Perry *PPR*
Air Compliance & Enforcement Branch
Office of Air Quality

SUBJECT: Notice of Decision

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5, this decision is effective eighteen (18) days after service of this notice pursuant to IC 4-21.5-3-2, unless a petition for stay is filed with a petition for administrative review that meet the requirements of IC 4-21.5-3-7.

If you wish to challenge this decision, IC 4-21.5-3-5 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, Indiana Government Center North, Room N-501E, 100 N. Senate Ave, Indianapolis, IN, 46204, within fifteen (15) days from the date of receipt of this notice. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the Office of Environmental Adjudication (OEA). (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail. (3) The date, on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the person to whom the order is specifically directed, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the order, decision, or other for which you seek review by permit number, name of the applicant, location, date of this notice and the following: (1) the name and address of the person making the request; (2) the interest of the person making the request; (3) identification of any persons represented by the person making the request; (4) the reason, with particularity, for the request; (5) the issues, with particularity, proposed for consideration at any hearing; (6) the identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

Pursuant to IC 4-21.5-3-5(d), the Office of Environmental Adjudication will provide you with notice of any prehearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this decision if a written request is submitted to the Office of Environmental Adjudication at the above address. If you have procedural or rescheduling questions regarding your petition, you may contact the Office of Environmental Adjudication at 317-233-0850. If you have any other questions regarding the enclosed document, please contact the Office of Air quality, (OAQ) at 317-233-5674.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

September 11, 2013

John Henderson, Chief
Franklin Fire Department
1800 Thornburg Lane
Franklin, Indiana 46131

Re: Approval FT-165773 Pursuant to 326 IAC 4-1
APPROVED

Dear Chief Henderson:

You are hereby notified that your request for live fire training pursuant to 326 IAC 4-1 is approved for utilizing a house located at 3601 North Morton Street, Franklin, Indiana.

NOTE: The Johnson County Health Department and the Johnson County Sheriff's Department must be notified at least twenty-four hours in advance of the date and time of the burning.

Following are the conditions for burning:

1. Only the above material will be burned. All asbestos-containing materials, asphalt roofing including backer paper, and vinyl siding including styrofoam backer insulation must be removed before the intentional burning of any structure(s). These materials may not be burned and should be recycled, reused, or disposed of in an approved landfill.
2. Mercury switches and fluorescent bulbs must be removed from the house and properly recycled or disposed of in a properly permitted municipal solid waste facility. It is recommended that the mercury be sent to a local household waste collection location for recycling or disposal. Please contact your solid waste management district or IDEM (1-800-451-6027) for the location and times for collection sites. A list of solid waste management districts can be found at www.in.gov/recycle/5758.htm.
3. If at any time the fire creates an air pollution problem, a threat to public health, a nuisance, or a fire hazard, the burning shall be extinguished.
4. No burning shall be conducted during unfavorable meteorological conditions, such as: high winds or air stagnation; or when an open burning ban has been officially declared by either appropriate state or local officials, or when pollution alert has been declared.
 - (a) No burning shall be conducted during an ozone action day.
 - (b) No burning shall be conducted on days when the forecast for PM 2.5 are in the Unhealthy for Sensitive Groups category or worse.You may contact Mark Neyman at 317/232-8252 or 800/451-6027 and ask for extension 2-8252 (in Indiana) or may check our website at <http://www.in.gov/apps/idem/smog/> for information regarding pollution alerts, ozone action days, or PM 2.5 forecasts.
5. Burning shall be conducted during daylight hours only and all fires shall be extinguished prior to sunset.
6. This approval letter shall be made available at the burning site to state or local officials upon request.
7. All burning must comply with other federal, state, and local laws, regulations, or ordinances, including 40 CFR 61 Subpart M (National Emissions Standards for Asbestos).
8. Burning may take place within one hundred (100) feet of a structure or power line; or three hundred (300) feet of a frequently traveled road, fuel storage area, or pipeline only if adequate precautions are taken. Wind speed, direction, mixing height, and transport winds shall be



RELEASE, HOLD HARMLESS & WAIVER OF SUBROGATION

I, the undersigned, _____ (_____) on behalf of the City of _____ or Town of _____, does hereby wish to participate in training classes offered by the City of Franklin Fire Department on the _____ day of _____, 2013 at _____.

The undersigned agency, to the fullest extent permitted by law, agrees that it shall indemnify, defend, (at its sole expense), and hold harmless the City of Franklin, its employees, agents and partners, ("Indemnified Parties") from and against any and all claims for bodily injury, deaths or damage to property, workman's compensation claims, demands, damages, actions, causes of action, suits, losses, judgments, obligations and any liabilities, costs and expenses, (including but not limited to investigative and repair costs, attorneys fees and costs, and consultant fees and costs) ("Claims") on behalf of itself and any and all agents, employees, or persons acting on behalf of the undersigned agency which arise or in any way connected with the training class and instructions performed, materials furnished or services provided by a City of Franklin, its Contractor or its Agents. These indemnity and defense obligations shall apply to any acts or omissions, negligence or conduct of the City of Franklin, its employees or agents, whether active or passive.

The undersigned agency also agrees that it shall, at its sole and separate cost, be responsible for maintaining in full force and effect, workman's compensation insurance for its employees participating in said training class and agrees to waive all rights of subrogation as to the City of Franklin, its agents, assigns and insurance companies as it relates to any and all claims for workman's compensation benefits, and liability claims.

The undersigned agency further agrees to hold harmless and indemnify the City of Franklin, its duly elected and appointed officials, employees and members of the City of Franklin Fire Department from any liability that may arise as a result of the participation in the training class and agrees that it will name the City of Franklin and the City of Franklin Fire Department as additional insureds on its general liability policy and provide proof of the same to the City of Franklin.

It is further acknowledged that this agreement will be binding on the agent, assigns, successors, and all other persons, firms or corporations claiming through the undersigned, including all demands, damages, rights of actions, subrogation claims or other costs brought as a result of participation in the training class and the activities associated therewith. The undersigned does certify and represent that he/she is duly authorized to enter into this agreement on behalf of the entity identified above.

Signed this ____ day of _____, 2013.

Signature

Printed: _____

Address: _____

Phone Number: _____

Title/Agency: _____

Witness: _____

INDIVIDUAL WAIVER & RELEASE OF LIABILITY
City of Franklin Training Classes

I, the undersigned individual, wishes to accompany the City of Franklin Fire Department personnel during regular and special duties, including certain emergency duties required of the City of Franklin Fire Department. These duties may include individual training classes. The undersigned individual wishes to be present at these activities which may include the use of certain apparatus, vehicles and equipment operated by the City of Franklin Fire Department, during the course of the above special duties, training classes and during times when the apparatus may be operating in emergency mode.

I, _____, in consideration of the participation in the stated activities and training being offered by the City of Franklin, for myself, my assigns, heirs, agents and estate, do hereby release and expressly agree to indemnify and hold harmless the City of Franklin, any of its departments, including respective agents, officers, organizers and officials, from any and all claims, demands, actions and causes of actions of any sort, for injuries sustained by me during my participation in the stated activities, including, but not limited to any claims for injuries from negligence, illness, injury, or death.

I recognize and understand the inherent dangers involved in this type of activity and assume full responsibility for my welfare and safety and expressly understand that injuries can occur and I will not hold the organizer, City of Franklin or its officials and employees responsible for injury or medical expenses incurred while participating in any activities.

I further agree to follow all instructions given to me by members of the City of Franklin Fire Department and I will not divulge any information I may gain while accompanying the City of Franklin Fire Department in any activity due to the possible private nature of said information gained by me.

Nothing in this agreement shall be construed or interpreted to create an employer/employee relationship between the undersigned and the City of Franklin nor should said agreement be construed to create a contract of individual employment of the above named person and the City of Franklin. The agreements, indemnification, waiver and hold harmless obligations hereunder shall extend to claims occurring after this agreement is terminated, as well as while it is in force.

The undersigned declares that the terms of this waiver of liability have been completely read and are fully understood and the undersigned does hereby certify that this agreement is entered into knowingly and willingly and that the terms contained therein are agreed to in full.

The undersigned does represent and certify that I am an adult, legally authorized to give this consent, being over the age of 18 years and being legally responsible for his or her own welfare and I have read, understand and agree as stated herein.

Signed this ____ day of _____, 2013.

Signature
Printed: _____
Address: _____

Phone Number: _____
Title/Agency: _____

Witness: _____

Kathy Cragen

From: John Henderson
Sent: Wednesday, December 11, 2013 3:09 PM
To: Jayne Rhoades; Kathy Cragen
Subject: Fwd: Property

Could we please add this email to our discussion Monday night... Thank you

Sent from my iPhone

Begin forwarded message:

From: Dean Nikou <dnikou1@comcast.net>
Date: December 11, 2013 at 3:06:34 PM EST
To: John Henderson <jhenderson@franklin.in.gov>
Subject: Re: Property

Hello Chief,

To briefly summarize our discussions regarding the property at 3601 Morton St N. Franklin IN 46131, it is our ultimate goal to have the farm house there completely burned/demolished to the point where the basement can be filled and the ground levelled. It is our wish for the Franklin Fire Department to use the home for training with that goal in mind. The city is welcome to use the home for other training until then, as long as it assumes all liabilities. We would like to see the demolition of the home completed by the end of April 2014 or sooner, but are willing to work within any reasonable schedule.

Please let me know if you need anything else and the overall schedule as things progress.

Sincerely,
Dean Nikou
G&K Nikou LLC
317-590-7889

On Tue, Dec 10, 2013 at 2:22 PM, John Henderson <jhenderson@franklin.in.gov> wrote:

Dear Dean,

Could we get just a short email from you stating your intentions to allow us to train and burn the property for our records? What we are doing is attaching the inspection reports, the waivers we want the men to sign, and if we could get your email we will have a nice packet of information to present to our Board of Works to allow us to start training.

Thank you, John D. Henderson FFD