

MINUTES OF THE MAY 1, 2023
CHINCOTEAGUE TOWN COUNCIL MEETING
Council Chambers

Council Members Present:

J. Arthur Leonard, Mayor
Christopher D. Bott, Vice Mayor
Denise P. Bowden, Councilwoman
William T. McComb, Jr., Councilman
Ellen W. Richardson, Councilwoman
K. Jay Savage, Councilman
Gene W. Taylor, Councilman

Council Members Absent:

Staff Present:

Mr. Michael T. Tolbert, Town Manager
Mr. Robby Fisher, Chief of Police
Mr. Wes Parks, Public Works Director
Mr. E. Bryan Rush, Director of Emergency Services

Call to Order

Mayor Leonard called the meeting to order at 7:00 p.m.

Invocation

Mr. Maury Enright offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Certificate of Recognition

Mayor Leonard read and presented the Certificate of Recognition for Mrs. Peggy Thomas on the celebration of her 90th birthday.



CERTIFICATE OF RECOGNITION
PRESENTED TO

Mrs. Peggy Elizabeth Cherrix Thomas

WHEREAS, Mrs. Thomas will be honored by relatives and friends on the occasion of her 90th birthday; and

WHEREAS, Mrs. Thomas was born on April 29th, 1933, and has been a lifelong and valued citizen of the Town of Chincoteague; and

WHEREAS, On December 9, 1949, Mrs. Thomas married Mr. William Carroll Thomas and had 5 Daughters, 7 grandchildren, 11 great grandchildren and 1 great great grandchild; and

WHEREAS, Together with her Husband Bill Thom, Mrs. Thomas owned Sulky Acres Race Horses, Bill's Garage and Sulky Acres Mobile Home Park; and

WHEREAS, Mrs. Thomas is a founding member and loyal supporter of the Island Baptist Church and an active, lifelong and proud member of the community.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mrs. Peggy Thomas on the occasion of her 90th birthday, with sincere congratulations and best wishes for many more happy and productive years.

Presented this 1st day of May, 2023.

Mayor John A. Leonard

Attest:

Michael T. Tolbert, Town Manager

Mayor Leonard read and presented the Resolution of Honorary Citizenship to Mr. Maury Enright.



**Resolution of Honorary Citizenship
Presented to**

Mr. William Maury Enright

WHEREAS, Mr. William Maury Enright was born in Philadelphia, Pa. on May 7, 1943, was educated at William and Mary and began his teaching career at Chincoteague High School in the year of our Lord nineteen hundred and sixty-five; and

WHEREAS, Mr. Enright labored tirelessly during his 42 year teaching career to instruct his students in not only academics but in all things associated with a moral and virtuous life, to be in service not only to themselves but to their neighbors; and

WHEREAS, Mr. Enright is remembered fondly by his students, parents, colleagues, and all others within the Town for his contribution to the community through his service to his students and families long after they graduated by officiating scores of weddings, services and when necessary memorials; and

WHEREAS, Mr. Enright has contributed immeasurably to the integrity of the Island Community by highlighting the formal education of 4 generations of its youth and helping to provide a firm foundation on which to build this community; and

WHEREAS, Mr. Enright ensured that these 4 generations of citizens were proficient in the finer points of poetic verse and floral recognition.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to bestow upon Mr. William Maury Enright the title of **HONORARY CITIZEN OF THE TOWN OF CHINCOTEAGUE** with all of the rights and privileges that accompany such honor.

Presented this 1st day of May 2023.

Mayor John A. Leonard

Attest:

Michael T. Tolbert, Town Manager

Mr. Mickey Merritt stated that in June Mr. Enright will have attended 58 straight graduations. He stated that Chincoteague is blessed as there are no finer schools than the 2 we have on the Island. There were many great teachers that made a difference in our lives.

Councilwoman Bowden stated that she had Mr. Enright for a semester or 2 in high school. She stated that learning the poems was hard. He taught her father and her. Mr. Enright is the most honorable man she's ever met, and she appreciated everything he has ever done for Chincoteague High School and for this community. She advised she will always have the utmost

respect for him. She added that while he was saying the prayer and believes she could listen to him read the phone book. He is appreciated on the Island.

Mayor Leonard stated he heard of the many stories of the torture some of the students put him through.

Mr. Enright commented that he thinks some of the stories got larger as they were told.

Councilwoman Richardson stated that it has been a pleasure working with him for 46 years. He also taught her kids. She added that he is a fine Christian man, and she has enjoyed her years with him at school.

Councilman Taylor thanked Mrs. Peggy Thomas for her for keeping many church doors open. He tells the youth to “get a voice”. He wishes that Mrs. Thomas would talk to the youth about speaking out. He is proud of her for speaking her mind and he thanked her.

Public Comment

Mayor Leonard opened the floor for public comment.

- Mrs. Tammy Riley, 4460 Williams Lane, expressed her concern about reports about someone wanting to fill some of the marshland on Eastside Road. She understands that they plan to fill in the marsh to put in a parking lot and dock. She doesn't mind the dock because it doesn't impede their view. However, filling in the marsh and putting a parking lot would impede the view. She feels the view should be there for the homeowners. She explained that the view is abundant, and the Town has a nice mixture. Eastside is known for its view of Assateague. She doesn't want a boathouse, or parking lot there. She suggested ordinances to keep this under control, so they don't end up with another Main Street on Eastside. She added that she owns quite a bit of that marsh, and it would only benefit her to have someone build on it, but it's not about the money. She bought it to be clear.

- Mrs. Peggy Thomas, 7805 Eastside Road, asked where the septic was going if they put rental on the marsh. She stated she is against it. She asked when the next Planning Commission meeting is and was advised it is 1 week from tomorrow at 7:00p.m.

- Mrs. Beverly Fleming, 3860 Main Street, asked about the letter she received about the drinking water. She stated that the letter was dated in September, and it was mailed out in May. She asked if this was normal procedures.

Mayor Leonard advised that back in September there was a water sample taken a few days early as there was an approaching storm. According to the Health Department you can't take the sample early, which caused the letter to be sent.

Mrs. Fleming asked if they would use the CodeRed callout system to notify the residents if there was something wrong with the water.

Mayor Leonard advised they would.

- Mrs. Billie Ann Bowden, 7855 Eastside Road, agreed with Mrs. Riley. She advised she owns a big section of marsh, and they have a lot of land behind her home. She stated there are a lot of things she could do, but isn't looking to make money off of it. She added that it is nice to look out her front window at the view. She also doesn't have a problem with building a dock. She added that Mrs. Thomas is the Mayor of Eastside and she's the Vice Mayor and they're against it.

- Mrs. Mary Chrisman, 4235 Main Street, addressed Council regarding the Dog Park. She stated that they appreciate the Dog Park but feel they need more seating and shade. She commented on the regulars that go there for socialization and their chairs, table, and umbrellas were taken up without notice. She feels they could have done this differently.

Town Manager Tolbert advised that 3 more benches have been ordered and should be here soon.

- Ms. Paula Nees, 6417 Canal Lane thanked Council for doing the cleanup week. She shared the post on Facebook and would like to plan for next year suggesting that they meet soon to strategize. She would also hopes that the Adopt-a-Road Program would start back up. She suggested advertisement. She also stated that last year she requested the Proclamation about Gun Violence. She asked Council to extend it this year, from June 2nd to June 4th. She also advised that wearing orange and putting up signs during this time to show support and that we live in a safe community. She wants to put up signs and she read why you should wear orange. She thanked Council and asked for the proclamation to be extended.

- Mrs. Julie Brommer, President and Founder of Chincoteague Island Cats, she advised that since June of 2018 over 500 cats have been caught, neutered/spayed, shots, flea treatments, and microchipped. She announced the free dog and cat rabies clinic on August 12th with approval from Council and Accomack County. There will also be another Catch and Release Program scheduled for September 14th – 17th to trap and care for 50 cats. She added that the neuter scooter will be on-scene to do the surgeries. She thanked the Town for their support.

- Ms. Barbara Mimm, 8202 Seahorse Drive, thanked Town Manager Tolbert for replacing the benches so quickly and she also asked for shade at the Dog Park. She informed Council they maintain the area and pickup the area as well.

District 1 Supervisor Report

Supervisor Billy Joe Tarr reported on the County's FY24 budget which totals \$70 million. He listed what the budget consists of. There will be an increase in staff compensation of 6.5% or possibly 7%, with a compensation study planned. They will increase the VRS up to 1.85 multiplier to bring it up to the Sheriff's Department and State Police. They will also increase the cigarette tax from \$0.10 to \$0.20 per pack, the personal property tax assessments will go back to normal. It was up because the used vehicle values went up. He reported that they gave the Chincoteague Chamber of Commerce \$65,000 from the ARPA Tourism Recovery Funds and initially approved \$80,000. He gave an update on the HRSD plans for taking over central Accomack. He stated that the new library is almost completed. The trustees are not satisfied

with the lease agreement. He reported on the funding of dredging the Channel, and possibly Lewis Creek. He commented further.

Councilwoman Bowden commented that she recognizes what the launches do for the Eastern Shore, but feels Chincoteague brings more to the economy. The south end of the Island gets washed out and washed out, yet they're still waiting. She stated that it's disheartening to see them take care of others all around the Island.

Supervisor Tarr commented further.

Councilman Taylor thanked the County for giving the Town the Chamber property, adding that they need public restrooms.

Supervisor Tarr suggested that the additional money they should receive from the ARPA funds could be used for this.

Agenda Adoption

Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the agenda as presented. Unanimously approved.

Staff Reports

General Government

Town Manager Tolbert reported on the Center's rentals for April. He also advised of the May bookings which include the CHS Prom, and graduation. He reported that last fall the DEQ rolled out a new program that provides ARPA funds to repair failing septic systems. The Septic Local Partners Program (SLPP) provides funds for the repair and or replacement of failing residential and commercial septic systems. He advised that he applied for this program last November and was notified by the DEQ on April 19th that the Town of Chincoteague has been awarded \$750,000 to fund qualifying projects on the Island.

Town Manager Tolbert reported that on Wednesday April 15th, he met with a group of officials from NASA Wallops, Goddard, and NASA headquarters in DC in reference to moving the wells off of NASA property. They discussed the progress of the legislation to relocate the Town's wells off of NASA property. He further advised that he has asked for time as the proposed cost estimate is 6 years old and more than likely not adequate to complete the project. He then gave an update on the Inlet Study. He also advised he had an issue with the 5-year window to design, construct, and obtain permits. This is not sufficient. He requested to extend it to 10 years. He will meet with Representative Jen Kiggans' Eastern Shore staff next week to request the Representative's assistance in providing ACOE funding for the Study. He also reached out to Senator Kaine and Warner's office for similar assistance. He reported that no studies in the state of Virginia were approved this year.

Town Manager Tolbert then reviewed the financial report for April. He also reported that the Town is still in discussion with the Hampton Roads Sanitation District (HRSD) as to the fine points of the transfer agreement. He then gave a brief report on the Building and Zoning Department activities.

Vice Mayor Bott asked about the Planning Commission sewage phase work.

Town Manager Tolbert stated they are working on Sewage Phase and Qualifications to add to the Comprehensive Plan, then to have a joint public hearing and pass the specifications for connection. This doesn't have to be done beforehand, but they were clear what needed to be in the Comprehensive Plan.

Councilwoman Bowden asked if Town Manager Tolbert was still meeting with staff after Council meetings.

Town Manager Tolbert advised he does, however, occasionally things happen to keep it from happening.

Police Department

Chief Fisher advised reported that on April 17th he, Mr. Harry Thornton met with VDOT officials, the State Police, and the Sherriff to change the 911 procedures for road hazards. On April 18th, the Eastern Shore 911 met here to check the vehicles to see how to mount the new radios. This will be up and running by fall of 2024. He also advised he will be at the Budget and Personnel Committee meeting to give the cost of possibly updating the dispatch console to the new ones that the County is installing.

There was discussion about paging out for incidents and specifics not being relayed causing confusion.

Public Works Department

Public Works Director Parks reported they have completed the Main Street tie-in for Cropper Street. He gave an update on the Memorial Park Boat Ramp Project. He stated that staff repaired a water main leak on Eastside and flushed hydrants the week of April 17th. He also gave an update on the Cropper Street Project advising that the water main and storm drains are complete. The new sidewalks will be put in beginning May 8th to be completed by Memorial Day. Public Works Director Parks advised they have a bid advertisement for the Sanitation Contract with the bids due on May 19th. Paving will begin this week for Woodland Drive and Maddox Blvd.

Mayor Leonard asked if they could have depth markers on the poles at the new boat ramp at Memorial Park.

Emergency Services

Director of Emergency Services Rush advised of his calls for April comparing to April 2022. He reported of the Rocket Lab launch scheduled for June 15th and the ANTARES NG 19 launch July 7th at 6:30a.m. They are planning the POD Exercise for September. He reviewed the 2023 CSU Hurricane Forecast which is slightly below the average. He urged everyone to be prepared and ready, especially since last weekend's tornado in Virginia Beach. He stated that May 11th the Covid State of Emergency ends.

Committee Reports:
Budget and Personnel

Vice Mayor Bott advised there was nothing to report.

Recreation and Community Enhancement Committee

Councilman Taylor advised they met on March 28th and discussed the exercise trail at Brianna's Park along with the picnic table, a shade structure, a path for the handicapped to access the equipment and a basketball goal near the soccer field. He also commented that the Dog Park should have a shade structure. He asked Public Works Director Parks to look into making the Hallie Whealton Trail look beautiful as well.

Adoption of the Minutes of the April 3rd and April 20th, Council Meetings

Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the April 3rd and April 20th, 2023, Council meetings as presented. Unanimously approved.

Vice Mayor Bott, motioned, seconded by Councilwoman Bowden to approve the minutes of the April 3rd and April 20th, 2023, Council meetings as presented. Unanimously approved.

Consider Request from the Chincoteague Island Cats

Town Manager Tolbert advised that the CI Cats are requesting to conduct a dog and cat rabies clinic on August 12th with a location to be determined.

Councilwoman Bowden advised that she is asking the Fire Company at the monthly meeting, if they can have the clinic at the firehouse.

Vice Mayor Bott motioned, seconded by Councilman McComb to approve the CIC dog and cat rabies clinic. Unanimously approved.

Resolution of EMS Appreciation Week

Mayor Leonard read the resolution.



RESOLUTION

Emergency Medical Services Appreciation Week 2023

Whereas, Emergency Medical Services is a vital public service: and

Whereas, both career and volunteer emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow up care, and access to telemedicine; and

Whereas, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, it is appropriate to recognize the value and accomplishments of emergency medical services providers of the Town of Chincoteague Department of Emergency Services, Division of Emergency Medical Services and the Chincoteague Volunteer Fire Company by designating Emergency Medical Services Week.

Now, Therefore, Be It Resolved, that the Town Council' of the Town of Chincoteague, Virginia does hereby proclaim the week of May 21ST – May 27TH, 2023, as "Emergency Medical Services Appreciation Week: in the Town of Chincoteague, with this year's theme being “EMS: Where Emergency Care Begins”.

Signed: _____

J. Arthur Leonard, Mayor

Attest: _____

Michael T. Tolbert PE, Town Manager

Resolution of National Public Works Appreciation Week
Town Manager Tolbert Read the resolution.



National Public Works Week Proclamation

May 21 – 27, 2023

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of **Chincoteague Island**; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children on **Chincoteague Island** to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now

RESOLVED THAT , I, John A. Leonard, do hereby designate the week May 21 – 27, 2023 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand,

DONE at **Chincoteague Island, Virginia** this 1st day of May, 2023.

Signed: _____

John A. Leonard,
Mayor

Attest: _____

Michael T. Tolbert,
Town Manager

Consider Trolley Drug and Alcohol Policy

Town Manager Tolbert advised that the DRPT writes a Drug and Alcohol Policy that conforms with the Federal Transit Administration standards. They have requested that this policy be adopted.

Vice Mayor Bott motioned, seconded by Councilman McComb to adopt the Pony Express Trolley Drug and Alcohol Policy. Unanimously approved.

Pony Express- Town of Chincoteague

Drug and Alcohol Policy

Effective as of [07/01/2023]

Adopted by: _____

Date Adopted: [05/01/2023]

Last Revised: [04/18/2023]

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I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager’s office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website

<http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect Pony Express - Town of Chincoteague’s policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All Pony Express - Town of Chincoteague employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Designated Employer Representative no later than five days after such conviction.

2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a “safety-sensitive function” as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

Zero Tolerance

Per Pony Express - Town of Chincoteague policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) **and terminated from employment.**

5. Circumstances for Testing

Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when Pony Express - Town of Chincoteague has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing

safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by Pony Express - Town of Chincoteague using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a bus, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Pony Express - Town of Chincoteague using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Dilute Urine Specimen

If there is a negative dilute test result, Pony Express - Town of Chincoteague will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Pony Express - Town of Chincoteague guarantees that the split specimen test will be conducted in a timely fashion. **Employee will be required to pay for the test (may not condition analysis on employee payment).**

7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Pony Express - Town of Chincoteague.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or Pony Express - Town of Chincoteague for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or Pony Express - Town of Chincoteague's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

8. Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Designated Employer Representative, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

9. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the Designated Employer Representative. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

10. Contact Person

For questions about Pony Express - Town of Chincoteague's anti-drug and alcohol misuse program, contact the Designated Employer Representative.

Attachment A: Covered Positions

Operators

Dispatchers

FY24 Budget Presentation

Town Manager Tolbert gave an in-depth presentation of the FY24 Budget. He explained the process of the budget. He showed historical comparisons. He reviewed each fund, with highlights of revenues and expenditures for each fund showing charts and graphs. (The presentation is listed on the website in its entirety).

FY24 Budget Public Hearing

Mayor Leonard opened the FY24 Budget Public Hearing at 8:52p.m. There were no comments, and Mayor Leonard closed the public hearing at 8:53p.m.

Town Manager Tolbert advised they have to let the budget sit for 2 weeks before voting on it at the Workshop meeting on the 18th.

Consider Recommendation of the RCEC

Councilman Taylor commented on the RCEC suggestion to put a small basketball court at the Brianna's Kindness Park. The Committee recommends a small court near the soccer field.

Town Manager Tolbert advised that the work could be included in the small quantities portion of the current spring paving contract. It will total 50% of the small quantities funding. He added that it could be in FY24.

There was a brief discussion about the small quantities.

Councilman Taylor stated that it isn't a lot, it's only 40'x 40'.

There was discussion about paying for it out of Brianna's Park Reserves.

Vice Mayor Bott motioned, seconded by Councilman McComb to approve the basketball court as presented for Brianna's Kindness Park to be paid for from the reserve fund. Unanimously approved.

Mayor and Council Comments

Councilman Savage stated that Town Manager Tolbert gave a great presentation. He gave kudos to Town Manager Tolbert, staff, and the Budget and Personnel Committee. He thanked Mr. Enright adding he had a couple of generations of his family. He appreciated knowing Mr. Enright as a friend and teacher. He also congratulated Mrs. Peggy Thomas on her 90th birthday.

Councilman Taylor thanked Mayor Leonard for all he does. He commented that Supervisor Tarr said good help is hard to find. He stated that the Town is very blessed. He told of a lady with a water leak. He called the Police Department who dispatched the Waterworks Technician on-call who came and took care of it. He thanked everyone and wished the Town could do more with the raises.

Councilman McComb congratulated Mrs. Thomas and Mr. Enright. He stated he had Mr. Enright in the 9th, 11th and 12th grades. He won't ever forget how to diagram a sentence and can still remember his flowers. He expressed his appreciation for everything he's done. It would be hard to find a better person in this community than what he has been. It's nice to see other areas getting studies and money spent on their survival. There are very little things that face this community that's of bigger priority right now other than maintaining what they have as far as land, adding once it's gone it's gone. The one thing that protects Chincoteague is Assateague. There are a couple of different reasons to pay attention to this. Council will be interested in hearing about his meeting with Congresswoman Kiggans next week.

Vice Mayor Bott stated that this was a well-deserved recognition of Mr. Enright. He also recognized Town Manager Tolbert for an excellent job on the budget and the presentation.

Councilwoman Bowden hoped Mrs. Thomas could have stayed a few more minutes so she could wish her a "Happy Birthday". She stated that she would never have enough good words to say about Mr. Enright. She also commended Town Manager Tolbert on an awesome job of the budget presentation. She advised that Mr. Alfred Johnson, that he referred to in past minute book excerpts, was her grandfather who died at 51. She was able to learn more about him over the years. She knew about his service on the Town and was a Police Commissioner. But to see it in black and white to know what they said and did was an eyeopener. She added they have al

lot to be proud of here and she hopes that this cleanup week continues on for years to come. She would like to see the Adopt-a-Road Program come back.

Councilwoman Bowden also commented about being a gun owner and concealed weapons permit holder. She is also a very responsible gun owner. She feels there is a problem when gun violence is the leading cause of death. She added that it can happen here at any time. The School Resource officers make her feel better. It will more than likely touch someone and they should think about it. She thanked all of the employees, adding they do a fantastic job. She also thanked everyone for coming to the meeting.

Councilwoman Richardson stated that they have a lot of employees that take pride in how the Island looks and they're proud of it. She appreciates the Public Works Department and advised that they did a good job clearing the Hallie Whealton Smith Drive and Deep Hole Road intersection. She stated that they all have to take part into taking care of the Island. She added that she appreciates what people do in serving on committees and volunteerism.

Mayor Leonard congratulated Mr. Enright for now being a Chincoteaguer. He added that he did a lot of work trying to educate this bunch. He also reminded everyone that it's getting close to the busy season and this weekend is the Seafood Festival. It bears witness by the budget what tourism is to the Island. He concluded with "Roll Tide".

Adjourn

Councilwoman Bowden motioned, seconded by Councilman McComb, and others to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager