

**TOWN OF SOUTH BETHANY  
TOWN COUNCIL MEETING MINUTES  
FEBRUARY 13, 2026  
9:00 A.M.**

**Meeting Called to Order and Pledge of Allegiance**

Mayor Dondero called the February 13, 2026, Town Council meeting to order at 9:02 a.m., followed by the Pledge of Allegiance.

**Attendance and Absences**

In attendance were Mayor Edie Dondero and Councilmembers Randy Bartholomew, Bob Biciocchi, Mark Giler, Chris Keefe, Bob Shields and Cindy Van Horn; Chief Jason Lovins, Town Finance Director Renee McDorman and Town Clerk Matt Amerling. Town Manager Maureen Hartman was absent. Public attendees: 3. Virtual attendees: 10.

**Presentation/Synopsis of 2025 Community Planning Initiative Report by William DeCoursey and Jennifer Reitz, University of DE, Institute for Public Administration**

The discussion covered three main topics: impervious surfaces, driveways, and a resilience fund. For impervious surfaces, the team recommended clarifying definitions, ensuring 55% pervious coverage in setbacks, assembling a list of best management practices considered most beneficial and amenable to the Town, and implementing incentives for replacement of impervious surfaces with pervious material. Regarding driveways, they proposed requiring a defined maximum driveway width of 20 feet to 25 feet, requiring pervious surfaces or at least not concrete or asphalt, while also addressing non-conforming regulations to require that as driveways are redeveloped over the long-term, they must come into conformity with new regulations. For the resilience fund, while the Town has adequate reserves, the group recommended creating a fund for immediate post-disaster response, with funding mechanisms to possibly be determined by the Budget & Finance Committee (B&F). Mayor Dondero stated Council has not seen the full report yet, but they look forward to getting it next week, at which point it will also be posted on the Town's website for viewing by residents.

**Adoption of Minutes**

Councilwoman Chris Keefe stated on page two in the first full paragraph that she seconded the motion presented. Councilman Bob Biciocchi motioned to approve the January 9, 2026, Town Council meeting minutes with amendment, seconded by Councilman Bob Shields. Motion carried 7-0.

**Statement Regarding Award of Bid for Trash, Recycling, and Yard Waste Removal Services**

Mayor Dondero stated at the January meeting, Council voted unanimously to award a five-year contract for waste removal services to Casella Services. There's been some concern and questions from residents about this decision and the process that led to it. In the interest of both accuracy and transparency, she summarized how Council came to this decision. At the November 2025 Council meeting, the Town Manager informed us that the Town's current 5-year contract with Republic Services is due to expire on April 30, 2026. In accordance with the town's purchasing policy, a contract for non-professional services in an amount greater than \$100,000 requires a formal bid process. Because the waste contract totals over \$2 million, every 5 years, it is put out through a formal bid.

At the same November meeting, Council discussed at length the terms of service to include in the bid solicitation. The current weekly schedule of pickups was discussed, and decisions were made to amend the frequency and days on which collection would occur. Council also decided to solicit bids for three different types of service: fully automated trash service, which would require property owners to wheel trash and recycling totes to and from curbside; a full-service option, such as now, where the contractor removes and returns bins from the corrals; or a third option that was a hybrid of the two. Two companies submitted bids for both the automated option and the full-service option. Those were Casella Services and the Town's current provider, Republic Services. Both bids were reviewed by the Town Manager and the Town Solicitor, met all the requirements and criteria of the solicitation, and were deemed responsive and responsible bids as those terms are defined in the Town Code. In all matters pertaining to contracts and bidding, Council must refer to applicable state law, legal precedent, as well as the Town's purchasing policy and Chapter 6 of the Town Code. Unlike a policy, best practices, or a set of bylaws, the Town Code carries the weight of law. Its provisions are the enforceable laws of South Bethany. In situations where multiple qualified bids are received, Section 6-1.B requires that Council award the bid to the lowest responsive and responsible bidder. As many residents pointed out in their correspondence, Section 6-1.B does allow for an exception to this rule; however, that exception must be legally defensible and cannot be arbitrary or capricious. Preferring one contractor over another is not a legally defensible reason to forgo the lowest responsive and responsible bid and could likely be deemed by a court to be an arbitrary decision; nor does a majority opinion of the Council in and of itself warrant an exception in the absence of a valid, objective justification for such an opinion. This interpretation of Chapter 6-1.B, upon which the Council relied to make its decision, was provided by the Town Solicitor, whose job is to provide sound legal advice based on Town Code and relevant Delaware case law, and to protect the Town from incurring any legal challenges. While a layperson's reading of the Code may suggest that the Council has much leeway in awarding bids, the legal opinion we received is that it is unlikely that a court would agree with such a broad interpretation.

In short, had the Council chosen to disregard its own law and not award the bid to the lowest bidder, it is highly likely the Town could have faced a costly and contentious legal challenge. With that understanding of Chapter 6 of the Town Code, the sole decision in front of Council was whether to opt for fully automated trash collection or full-service collection, as is the status quo. It was clear from the feedback Council received from residents that the full-service option was preferable. This option is considerably more convenient for the high number of property owners who are not full-time residents and therefore are not always present on collection days to wheel their cans to and from the curb. Therefore, despite it being the more expensive option of the two types of service, Council voted unanimously to choose the full-service option. Casella Services was the lowest responsive and responsible bidder for the full-service option and thus was awarded the contract. As elected officials, members of Council have fiduciary responsibilities to the Town. One of those responsibilities is to avoid placing the Town at unnecessary risk. To disregard our own laws and knowingly invite a potential legal challenge would be an unnecessary risk, and therefore a failure of our fiduciary duties. Fulfilling those duties requires Council to sometimes make decisions that, while made in the best interest of the Town, might not be particularly easy or popular decisions. Unfortunately, such was the case here. The new contract for trash collection services has been signed. Casella Services will begin waste collection on May 1, 2026. Prior to that time, the Town will be communicating logistics surrounding the change in providers, including a swap-out of recycling receptacles. The current recycling totes owned by Republic will be collected, and new totes provided by Casella will be delivered. Specific details and the timing of this transition will be shared as soon as they are available in an effort to accommodate those property owners who are not full-time residents and who may need to make special arrangements.

### **Public Comment**

Patricia Weitzel-O'Neill, 200 W. 10<sup>th</sup> Street, stated, regarding the trash bid, she is hoping to seek clarity on responsiveness and responsibility measures. She also suggested a review in six months

to assess the service and openness to reopening the process, if needed. She also questioned how and why Casella's bid came in \$51,000 lower than Republic.

**Discussion and possible action on adoption of 2026 Sussex County Tax Assessments for the Town of South Bethany Fiscal Year 2027 (May 1, 2026, to April 30, 2027) (Bartholomew)**

Councilman Randy Bartholomew motioned to adopt the 2026 Sussex County Tax Assessments for the Town of South Bethany Fiscal Year 2027, seconded by Councilwoman Cindy Van Horn. Motion carried 7-0.

**Discussion and possible action to approve the 2026 Election Board Judges (Dondero)**

Councilwoman Chris Keefe motioned to appoint Pat Weisgerber, Sandra Roberts, and Ingrid Moore, with John Stefani serving as alternate judge, to serve as 2026 Election Board judges, seconded by Councilman Shields. Motion carried 7-0.

**Discussion and possible approval of request by Police Department to purchase a new body camera system as mandated by Delaware State Code (Dondero)**

Councilman Biciocchi motioned to approve the request to purchase a new body camera system, as mandated by Delaware State Code, for \$116,141.74, paid over a five-year period, seconded by Councilman Shields. Motion carried 7-0.

**Leadership Reports**

Mayor's Report – Report submitted. Mayor Dondero stated the ADA ramp on the beach would be rebuilt by DNREC, though it would need to be redesigned due to the current condition of the beach.

Town Manager Report – Report submitted.

Police Chief Report – Report submitted.

Treasurer Report – Report submitted.

**Committee and Commission Reports**

Bicycle & Pedestrian Safety Committee – Report submitted. The next meeting will be Thursday, February 26, 2026, at 1 p.m.

Budget and Finance Committee – Report submitted late. The next meeting will be Thursday, February 19, 2026, at 9 a.m.

Canal Water Quality Committee – Report submitted.

Charter and Code Committee – No report submitted.

Community Relations Committee – Report submitted.

Planning Commission – No report submitted.

Resiliency Committee – Report submitted.

**Motion to go into Executive Session to discuss personnel matters in which the names, competency, and abilities of individual employees will be discussed. 29 DEL C. §10004(b)(9)**

Councilman Bartholomew motioned to enter Executive Session at 9:57 a.m., seconded by Councilwoman Van Horn. Motion carried 7-0.

**Reconvene the Town Council meeting and possible action on matters discussed in executive session**

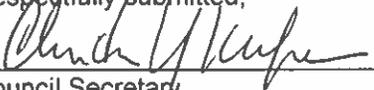
Councilman Biciocchi motioned to exit Executive Session and reconvene the Town Council meeting at 10:19 a.m., seconded by Councilwoman Keefe. Motion carried 7-0.

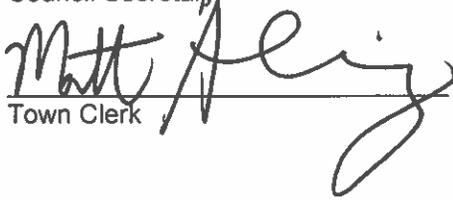
Councilman Bartholomew motioned to approve items discussed during executive session, seconded by Councilman Biciocchi. Motion carried 7-0.

**Adjournment**

Motion by Councilwoman Van Horn, seconded by Councilman Bartholomew, to adjourn the February 13, 2026, Town Council Regular Meeting at 10:20 a.m. Motion carried 7-0.

Respectfully submitted,

  
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Council Secretary

  
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Town Clerk

3/13/2026  
Date of Approval