

# MARCA Roof Topics

The newsletter for the Mid Atlantic Roofing Contractors Association • Spring 2008



MARCA President Howard Willis of Krupnik Brothers Inc.

## From the President

I would like to begin this issue of *Roof Topics* by introducing myself. I am Howard Willis of Krupnik Brothers Inc. and the new MARCA president for the upcoming year. My contact information, as well as that of MARCA's board of directors, is included in this newsletter on page 3.

I would like to thank Dave Taylor and the previous MARCA board for their efforts and achievements during the merger of our two previous associations (ARCOM and WARCA). The foundation of MARCA is members' willingness to volunteer time and effort to further its cause.

The year is starting with uncertainty because of the rhetoric of a presidential election year, a faltering economy, and high fuel and material prices. As individual companies, we can tighten our belts, rein in unnecessary expenses and streamline job-site activities. As an association, we can inform members of upcoming legislation, material supply and pricing trends, and provide a networking forum for contractors and suppliers.

MARCA's schedule of events is posted at [www.marcaroof.com](http://www.marcaroof.com). Upcoming events include April and May dinner meetings and the June golf tournament. I want to remind members that scholarship winners will be announced at the May dinner meeting. All applications and forms are available on our Web site.

By now, you should have received a joint NRCA and MARCA invoice for your 2008 dues. If you haven't done so, please renew your membership as soon as possible so we can continue working on our associations' goals. You will see that the \$250 NRCA rebate is reflected on your dues invoice.

We also will soon be sending out membership information update forms. It is important that we have all your correct contact information so we can continue adding value to your membership. Notification about our events, educational seminars and other activities are distributed through e-mails, mailings and newsletters.

If anyone has any questions, suggestions or feedback, please feel free to contact me, a MARCA board member or Bryan White, NRCA's manager of affiliate partnerships. We want to hear your ideas about how MARCA can enhance your investment in your membership.

Best,

Howard Willis  
MARCA President

## Under this roof...

MARCA Officers and Directors	3
MARCA Committee Members	3
MARCA Administration	3
MARCA Notes	4
Frankly Speaking	4
Industry News	5
Raising the Roof!	8
Photos from MARCA's Bull & Oyster Roast	9
Photos from MARCA's 2007 Past Presidents Dinner	10
Industry Events Calendar	10

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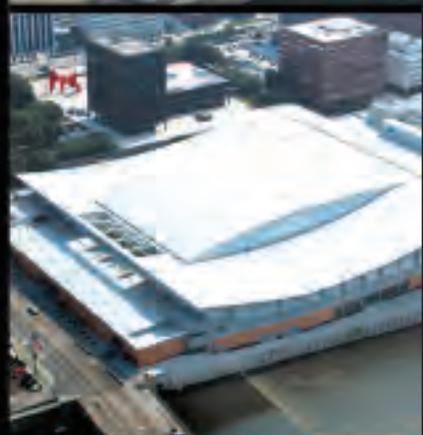
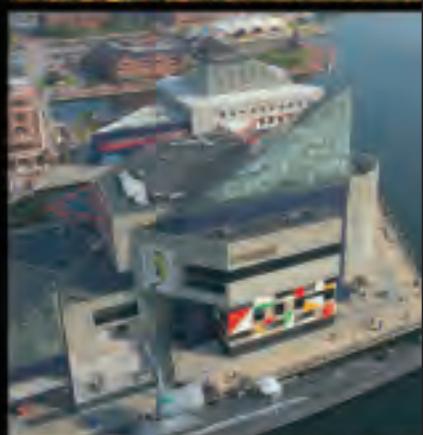
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# MARCA Officers and Directors

## Officers

### President

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### Associate members:

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# MARCA Committee Members

### Finance Committee

Jeff Orndorff, Peter Salmon

### Education Committee

Pat Bollinger, Mike Keenan

### Employee Recognition Committee

Pat Bollinger, Mike Maguire

### Legal Committee

Frank Kollman

### Membership Committee

Dave Taylor, Jeff Orndorff

### Nominating Committee

Dave Taylor

### Public Relations Committee

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### Scholarship Committee

Peter Salmon, Howard Willis

### Speaker Committee

Lloyd McChesney, Mike Keenan

### Casino Night Committee

Rob Ruff, Gary Rathell

### Annual Lecture Committee

Robert Arrington, Dennis Patrick

### Bull & Oyster Roast Committee

Brendan Lynch, Dennis Patrick

### Golf Tournament Committee

Howard Willis, John Deming

### Crab Feast Committee

Dave Taylor II, Larry Nash, James Fick

# MARCA Administration

## Headquarters

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c/o National Roofing Contractors Association (NRCA)  
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20 S. Charles St.  
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(410) 727-4300      fkollman@kollmanlaw.com

## MARCA Notes

### ❑ New members

MARCA welcomes its newest members:

#### Marathon Roofing

21 Stenersen Lane  
Cockeysville, MD 21030  
Telephone: (410) 229-9934  
Fax: (410) 229-9936  
www.marathonroofing.net

#### York Building Products

1079 Belvidere Road  
Port Deposit, MD 21904  
Telephone: (717) 873-3890  
Fax: (410) 378-9296  
www.yorkbuilding.com

## Get Wired!

If you are not currently receiving MARCA event notices and information via e-mail, please provide your e-mail address so we can inform you about MARCA happenings in the future. Send an e-mail to Bryan White at [bwhite@nrca.net](mailto:bwhite@nrca.net) with your name, company name and the e-mail address you would like on MARCA's communications list.

**Up on the Roof, Inc**  
**Dan Mathews**  
**Marlene Bender**  
E-mail: [info@upontheroof.com](mailto:info@upontheroof.com)  
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## Frankly Speaking

### Random thoughts and ideas

by Frank L. Kollman

I was sitting at a trade association board meeting (not MARCA's) recently and had my laptop computer. I was going to list possible topics for newsletter articles but instead came up with 21 various thoughts, ideas and suggestions for employers. Here goes:

1. Employees have the right under the National Labor Relations Act (NLRA) to discuss their wages with other employees; rules against discussing wages—such as rules contained in handbooks—are a violation of federal law. Supervisors do not have the same rights, however, under NLRA.
2. If a break is less than 20 minutes long or if a longer break is interrupted by work duties, the U.S. Department of Labor says the employee must be paid for the time. This is true even if the employee punches out. In most states (including Maryland), breaks do not have to be given, but if they are, they must be paid breaks. (Minors are required to be given breaks under child labor laws, and there are restrictions on their hours.)
3. Never lie to an employee about the reasons for his or her termination. Referring to a termination for misconduct as a “layoff,” “reorganization” or “job elimination” only will help the employee sue for discrimination or challenge the termination on another basis. Later, it will be almost impossible to prove the real reason—namely, misconduct.

  
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4. Always give a reason for termination. In fact, give a clear, objective reason for any termination. Be truthful. Not providing a reason is an invitation to be sued.

5. Never try to soften the blow when firing an employee. Do not say the decision was “hard,” or that it was someone else’s decision. Unless the reason is stated with confidence and conviction, the employee or his lawyer may later assert that your “waffling” or kind words were evidence of illegal intent.

6. Firing an employee at the end of his 12-week leave allowed by the Family and Medical Leave Act (FMLA) is not always appropriate or legal. If the employee has not been replaced and the company is seeking a replacement, he or she may have rights under FMLA to return to work.

7. Keep I-9s in a separate file, not with the employee’s personnel file. If there is an audit, you will have to get all personnel files together, rather than the I-9 file, if you do not keep them separately.

8. There is no requirement that the documents used to complete I-9s be photocopied and kept. They just need to be examined. Keeping photocopies can be problematic if (a) your practice is inconsistent or (b) an examiner thinks the documents on their faces are suspicious and should have raised questions.

9. A written policy on sexual harassment and other forms of harassment is a must for all employers. The existence of a policy, which provides for complaints by victims, may insulate the employer from liability in many instances.

10. In most cases, an employee cannot be exempt from overtime unless he or she is salaried. Being salaried, however, is not enough for an employee to be exempt. Exemptions depend, in large part, on what the employee actually does. Improper docking of an exempt employee’s salary may also cause the employer to lose the overtime exemption for that and similarly classified employees.

11. E-mail is real. An e-mail can be used against an employer with the same effects as a signed, notarized statement. Carefully review an e-mail before it is sent.

12. The Americans with Disabilities Act precludes virtually every pre-hiring question about physical or mental health. Employers must make offers conditioned upon disclosure of any such conditions or completion of a successful physical.

13. Employers can tell employees that it is their right to talk to Occupational Safety and Health Administration (OSHA) inspectors, but the employer would prefer they not do so. Supervisors can be told not to talk to OSHA inspectors unless given permission by the company.

14. Untrained supervisors are dangerous supervisors. Their comments, decisions and actions can cost employers hundreds of thousands of dollars. Spend a few dollars on training new supervisors regarding how to handle employees.

15. Deductions from an employee’s paycheck, except for withholding taxes, must be authorized in writing by the employee.

16. Despite the success of the television show “Moment of Truth,” lie detector tests cannot be administered to employees in most instances. In Maryland, they cannot be required as a condition of employment. This law must appear on all employment applications used in the state.

17. Talk to employees on a regular basis. You may find out there are problems of which you are unaware. Employees tend to know more than the boss about what is going on.

18. When writing personnel or human resources documents, keep them simple and objective. Subjective terms such as “attitude,” “unsatisfactory” and “inappropriate” should be avoided in favor of descriptions of behavior that tell a story. “John was fired for telling his supervisor to f%\$& himself” is better than “John was fired because of his attitude.”

19. Do not automatically settle OSHA citations. There is almost always a better deal out there. Always get a nonadmissions clause, even if you informally settle the citation.

20. Use the Internet. There are plenty of resources for employers, including my firm’s Web site, [www.kollmanlaw.com](http://www.kollmanlaw.com).

21. Never put anything in an employee’s personnel file without sharing it with the employee. If you want to rely on the document later, it will not be as compelling if the employee has never seen it. Double secret probation did not work in “Animal House” and does not work in labor relations.

If any of these items raise concerns about your current policies or practices, seek guidance. Labor and employment laws are not intuitive, and mistakes can be costly.

## Industry News

### □ Maryland experiences green building growth

During the past several years, green building has grown significantly in Maryland. In 2007, the U.S. Green Building Council (USGBC), which certifies projects and accredits professionals with the Leadership in Energy and Environmental Design (LEED) rating system, registered 149 new projects compared with 36 in 2006, according to [www.gazette.net](http://www.gazette.net).

“During the last couple years, we’ve really seen a lot of growth,” says Ashley Katz, communications coordinator for USGBC. “In 2002, we had 38 certified projects, and now we have 1,283.”

The General Assembly has taken notice, and Gov. Martin O’Malley (D-Md.) has submitted a bill that asks all public school and state-funded construction projects of a certain size to try for silver-level LEED certification. Silver is the most common of the four LEED levels—LEED-certified, silver, gold and platinum—which are based on criteria such

as site sustainability and materials and resources.

Katz says there are various reasons for the green building growth.

“Green buildings in general are environmentally responsible and also profitable and healthier places to live and work,” she says.

Studies show that inhabitants of green buildings see the health effects, including fewer asthma episodes, fewer sick days taken and more productivity. Connie Belfiore, interim head of the Friends Community School, College Park, Md., says there has been evidence of this in the school’s new green facility, which includes straw bale insulation, a seeded roof to reduce nutrient runoff and radiant tube heating.

“A lot of people have noticed how fresh and clean the building feels,” she says. “Kids who used to suffer from allergies don’t seem to in this building. People remark on how fresh the air is, and we’ve had fewer absences. [The students] seem healthier, and that’s got to contribute to better learning.”

Although green building techniques currently can sometimes be expensive and not always readily available, more options will become available and costs will go down as green building becomes more mainstream, says Gary Groll, an adviser at the Green Building Institute, Jessup, Md.



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“None of this stuff is new,” he says. “We’ve been doing this for decades. It’s become a little bit more mainstream, but it’s always tough to change the paradigm and the way people do business.”

### ❑ **Baltimore will host green roof event**

Green Roofs for Healthy Cities (GRHC), a nonprofit industry association for green roof experts, will hold its 6th Annual Greening Rooftops for Sustainable Communities Conference, Awards and Trade Show in Baltimore April 30-May 2.

The trade show will feature more than 90 exhibitors showcasing the latest green roof and green wall products and services, as well as offer training courses for becoming an accredited green roof professional.

“We are delighted to be working with the City of Baltimore to present an outstanding program for designers, researchers and policymakers who are committed to implementing green roofs and green walls in their communities,” says Steven Peck, founder and president of GRHC.

More information about the 6th Annual Greening Rooftops for Sustainable Communities Conference, Awards and Trade Show is available at [www.greenroofs.org](http://www.greenroofs.org).

### ❑ **Company plans Inner Harbor development**

ARC Properties, Philadelphia, a retail and residential developer, has closed on its land purchase in Baltimore’s Inner Harbor and begun planning its proposed 1.6 million-square-foot, \$500 million mixed-use development, according to [www.globest.com](http://www.globest.com).

The project is expected to include about 600,000-square-foot of office space, 80,000-square-foot of retail space, 150 residential condominium units and hotel space.

There will be three phases of construction, the first of which is expected to begin in 2009.

“This is an extraordinary acquisition for our organization, and we are excited to start the planning process for what is destined to be a remarkable mixed-use development,” says ARC Properties President Robert Ambrosi.

### ❑ **Housing slump complicates Westphalia development**

As developers and county planners have begun planning Maryland’s 6,000-acre Westphalia development project, struggles regarding phasing and financing plans have resulted from the recent housing slump. A phasing plan is needed to try to develop a payment plan for roads, parks, schools and more, but it is difficult for developers to predict when the properties will begin to generate revenue, according to [www.gazette.net](http://www.gazette.net).

“We can do a phasing plan, but you won’t know with the market what’s going to happen until you get out there,” says Harold W. Johnson Jr., who represents the Villages of Westphalia, a 1,000-unit, mixed-use development planned

along Ritchie Marlboro Road. “It’s almost a chicken-and-egg situation.”

The Westphalia development boundaries are Ritchie Marlboro Road to the east, White House Road to the north, Capital Beltway to the west and Pennsylvania Avenue and Old Marlboro Pike to the south. The project involves commercial and residential construction, including 17 separate properties and more than 16,000 new housing units. Although a few developments have begun construction, many are still planning; the project is expected to take at least 20 years to complete.

Improvements to roads are seen as a priority for the project, and the county has estimated \$17 million for the Suitland extension, \$26 million for the Westphalia upgrade and \$30 million for the Ritchie Marlboro upgrade.

The total cost for public facilities—called “gaps” because they are not part of an individual developer’s property—is estimated at \$500 million. County officials are considering issuing county bonds to be repaid through revenue from housing sales to help cover the gaps.

Still, planners are staying positive regarding the financial situation and housing slump.

“It’s made it extremely difficult for them to forecast, but we’re going to try and proceed assuming some day it will change,” says Craig Rovelstad, the Westphalia planner with the Maryland-National Capital Park and Planning Commission. “We seem to be making some progress.”

#### ❑ **Green shopping center is approved**

Main Street Eldersburg, an environmentally friendly shopping center planned in Eldersburg, Md., has received final site plan approval, according to the *Carroll County Times*. The 83,000-square-foot project, which will be one of the Mid-Atlantic region’s first environmentally friendly shopping centers, is expected to be completed this fall at the corner of Londontown Boulevard and Bevard Road.

The project will attempt to meet the standards for Leadership in Energy and Environmental Design silver certification, which requires meeting criteria such as sustainable design, energy efficiency and water efficiency. For this reason, after the final site plan was originally approved in November 2006, the owners and developers Black Oak Associates, Owings Mills, Md., resubmitted it with changes to help improve stormwater management. The project will use porous concrete, which allows stormwater to seep back into the ground.

Changes also had to be made when a major tenant, a grocery store, backed out of the project because it required several rows of parking in front of the building. Parking has been redistributed and buildings have been moved. The plan now has nine buildings instead of eight.

Conditions for approval included the developer and the county entering into a public works agreement, which involves infrastructure improvements such as wastewater and widening a portion of Md. 32.

#### ❑ **First green building in Bowie is built**

Bowie, Md., has built its first green building—a \$4.2 million facility on Mitchellville Road that houses about 40 Bowie Parks and Grounds Department employees and could save the city an estimated 20 percent on energy costs during the building’s life, according to [www.gazette.net](http://www.gazette.net).

Earning a silver rating from the U.S. Green Building Council’s Leadership in Energy and Environmental Design rating system, the building features natural light, a roof that captures electricity from the sun, a “smart switch” and ground source heat pumps, among other features.

A state bond from the Maryland Energy Administration and grants provided more than \$1.2 million of the funding for the facility, which was completed in February. The city is also planning to build a “green” city hall.

#### ❑ **Neighborhood hasn’t caught up with ballpark**

Nationals Park—home of Washington, D.C.’s major league baseball team, the Washington Nationals—was built in 22 months, making it one of the fastest-built ballparks ever. However, the surrounding neighborhood has not developed as quickly.

The new ballpark is part of an overhaul of a Southeast Washington neighborhood. The plan is to transform 500 acres from Capitol Hill to the Anacostia River; the area will be called Capitol Riverfront and include more than 12 million square feet of office space, 9,000 residential units, 1,200 hotel rooms and 800,000 square feet of shops, restaurants and other entertainment, according to *The Washington Post*.

The \$6.1 billion makeover was already underway when the ballpark was planned and the site was selected. Some critics of the ballpark say the city shouldn’t have needed the \$600 million plus in public money for the ballpark or economic development when a makeover was already in progress. But others say the ballpark is a catalyst accelerating the process.

However, city and business leaders say other projects need time to catch up. A two-year debate between former mayor Anthony Williams and opponents on the D.C. Council regarding financing delayed the plans and led to the accelerated construction of the ballpark so it would be ready for the 2008 baseball season. But the blocks around the ballpark have virtually no restaurants and bars, and a legal battle regarding development of some of the land is causing more delays. The large public subsidy—which especially outraged residents in poorer neighborhoods—and parking issues are other complaints.

Council member Adrian Fenty says despite disagreements

about the ballpark, what matters now is finishing the job.

“It’s going to be a great boon for the city, both for civic pride and from a revitalization perspective,” he says. “What the stadium has done is to help give a spark and energy level to projects that were already going to happen and to those that wouldn’t have happened.”

Ed Lazere, executive director of the D.C. Fiscal Policy Institute, disagrees.

“Whether or not a stadium spurs development does not answer the question of whether a city investment of \$650 million or \$700 million is justified,” he says. “It’s not clear that the development we’re getting relative to the cost is a great deal. The city could have spent \$650 million lots of ways on lots of developments.”

Developers, city officials and Nationals executives hope the blocks closest to the ballpark will become the hub of pre- and post-game activities, even though that area may be facing the biggest delays. D.C Council member Jack Evans says it took about eight years for the now-popular Gallery Place to become built up.

“You’re looking at a decade before you really see the effects of the baseball stadium,” he says. “But it will happen.”

In related news, the U.S. Green Building Council has reported that the Washington Nationals’ ballpark is the first green professional stadium in the U.S.

The stadium received certification from the Leadership in Energy and Environmental Design rating system for its environmentally friendly design, which included energy-saving light fixtures, water-conserving plumbing, drought-resistant plants, a green roof covering the concessions area and air-cooled chillers for concessions. In addition, it was built on a restored brownfield that once had contaminated soil and has systems in place to keep stormwater runoff from polluting the Anacostia River.

The city spent \$611 million to build the ballpark, selling \$535 million in bonds in 2006. The construction cost was \$311 million.

## Raising the Roof!

### MARCA member wins Gold Circle Awards

NRCA presented its 13th annual Gold Circle Awards during its 121st Annual Convention Feb. 19-23 in Las Vegas.

MARCA member James R. Walls Contracting Co. Inc., Clinton, Md., won the Gold Circle Award in the innovative solutions: new construction category, as well as the Gold Circle Platinum Award, for its work on St. Coletta of Greater Washington, Washington, D.C.

Gold Circle Awards are given to NRCA members who make significant contributions to the roofing industry. For more information about NRCA’s Gold Circle Awards or to submit a nomination for 2009, contact Chrystine Hanus, NRCA’s executive assistant, at (800) 323-9545, ext. 7522 or [chanus@nrca.net](mailto:chanus@nrca.net).

### MARCA scholarship applications are available

The MARCA Scholarship Awards Program will grant up to three \$2,500 awards and up to three \$1,000 awards for incoming first-year students and those continuing their pursuit of higher education.

Scholarship applications can be found at [www.marcaroof.com/news/files/0208\\_scholarship.pdf](http://www.marcaroof.com/news/files/0208_scholarship.pdf). Applicants should submit the application form and materials to the MARCA office no later than April 21. Winners will be announced in May.

For more information, contact Howard Willis at (410) 761-1297.

All proceeds from MARCA’s Bull & Oyster Roast will be applied to the MARCA scholarship fund.

### NRCA will offer e-learning program

This summer, NRCA will offer Roofing 101, its first interactive e-learning program covering a wide range of roofing basics.

Roofing 101 is designed for people new to the roofing industry, building owners and facility managers and is intended to be an easy, cost-effective way to learn about roofing terminology, roof assembly components and roof systems. Roofing 101 consists of five self-paced learning modules that require about one hour each to complete. The program includes interactive learning activities, graphics and videos.

For more information about Roofing 101, contact Jeanne Schehl, NRCA’s director of education program development, at (800) 323-9545, ext. 7566 or [jeanschehl@nrca.net](mailto:jeanschehl@nrca.net).

### Alliance seeks funds for new scholarship program

The Roofing Industry Alliance for Progress has announced the creation of the Melvin Kruger Endowed Scholarship Program, which is a new permanent program that will replace the Alliance’s current scholarship program for the 2009-10 academic year.

Melvin Kruger, chief executive officer of L.E. Schwartz & Son Inc., Macon, Ga., is a former NRCA president and served as a member of the Georgia Education Commission. He was a driving force in the creation of the Roofing Industry Educational Institute in 1979. He also was the principal Alliance fundraiser.

The Alliance is committed to supporting the new scholarship program and has agreed to fund it initially with \$400,000 from previous scholarship fund receipts; match 50 percent of the first

\$100,000 pledged each year during a five-year period for a total matching program of \$250,000; and commit \$25,000 per year thereafter to be used to fund scholarships directly.

Scholarship awards will be made in the amount of \$5,000 each and may be renewed annually provided winners reapply and continue to meet award criteria. Once the program is fully funded, 25 \$5,000 scholarships are expected to be awarded each year.

Roofing professionals can establish a named scholarship fund in their names or their companies' names. Gifts to the Melvin Kruger Endowed Scholarship Program will be recognized on the Alliance Web site, in its newsletter and at NRCA's annual convention.

For more information, contact Bennett Judson, the Alliance's executive director, at (800) 323-9545, ext. 7513 or [bjudson@roofingindustryalliance.net](mailto:bjudson@roofingindustryalliance.net).

### NRCA launches environmental center

NRCA has established the Center for Environmental Innovation in Roofing, a separate nonprofit 501(c)(6) organization that will promote the development and use of environmentally responsible, quality roof systems.

Located at 816 Connecticut Ave., NW, Fifth Floor, Washington, D.C. 20006, the Center for Environmental Innovation in Roofing will coordinate and encourage objective research; serve as a repository for information pertaining to energy, the environment and roofing; expand market opportunities for manufacturers, contractors and design consultants; participate in science-based advocacy on behalf of the industry; and coordinate standards and codes in the U.S. and abroad.

The center's purpose is to unite the roofing industry in the common cause of promoting and learning about environmentally friendly, high-performance roof systems. Jim Hoff, who retired from Firestone Building Products Co. LLC, Indianapolis, in December, will join the center as a part-time director of research.

For more information about the center, contact Craig Silvertooth, the Center for Environmental Innovation in Roofing's executive director, at (800) 323-9545, ext. 7598 or [csilvertooth@nrca.net](mailto:csilvertooth@nrca.net).



MARCA's Bull & Oyster Roast

## Industry Events Calendar

For information about MARCA events, visit [www.marcaroof.com](http://www.marcaroof.com) or contact Bryan White, NRCA's manager of affiliate partnerships, at (877) 508-ROOF or [bwhite@nrca.net](mailto:bwhite@nrca.net).

### May

- 8 Annual Employee Recognition and Scholarship Dinner, Crofton Country Club, 1691 Crofton Parkway, Crofton, Md. The cocktail reception is at 6 p.m., and the dinner and meeting are at 7 p.m.

### June

- 16 MARCA Golf Tournament, Crofton Country Club, TBA

### October

- TBA MARCA Annual Crab Feast, TBA

### November

MARCA Annual Trip—contact Karen Kingman with CWT Wide World Travel for details and availability at [karen.kingman@cwtwideworld.com](mailto:karen.kingman@cwtwideworld.com) or (215) 742-8844, ext. 228

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*MARCA past presidents gather at the past presidents dinner.*



*MARCA Immediate Past President Dave Taylor speaks at the past presidents dinner.*



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