

Lisa Tomyl

From: Roland Bartl
Sent: Thursday, April 16, 2015 3:25 PM
To: Lisa Tomyl; Building Department; Planning Department; Frank Widmayer
Subject: RE: Amended Application for Class I License

this is all set from a zoning / planning perspective

Roland Bartl, AICP
Planning Director
Town of Acton
472 Main Street
Acton, MA 01720
978-929-6631

From: Lisa Tomyl
Sent: Thursday, April 16, 2015 11:15 AM
To: Building Department; Planning Department; Frank Widmayer
Subject: Amended Application for Class I License

Please review and comment regarding the attached request for amending a current Class I License for Swanson Buick GMC Truck, Inc.

Regards,

Lisa Tomyl
Executive Assistant
Office of the Town Manager
472 Main Street
Acton, MA 01720
(p) 978.929.6611
(f) 978.929.6350
ltomyl@acton-ma.gov



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Board of Selectmen

April 16, 2015

Acton Beacon
Legal Notices

Please place this in the Legal Ad section of the Acton Beacon on April 23, 2015 edition of the Acton Beacon in the Legal Section.

Bill to: Stephanie O'Connor
429 Great Road
Acton, MA 01720
978-263-4222

**LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on May 4, 2015 at 7:15 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton on the application of Swanson Buick GMC Truck, Inc., for an amendment with their Class I Dealers License at Sudbury Road, Lot 1, Acton MA 01720. The application can be inspected at Town Hall during normal business hours.

Acton Board of Selectmen



Swanson Buick GMC Truck Inc.
Old Powder Mill Road Concord, Mass. 01742
978-897-3311 Fax 978-897-5419

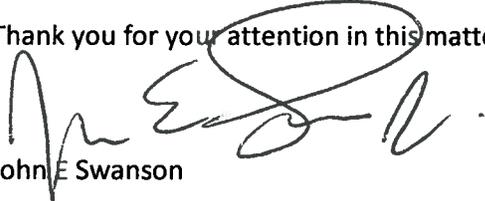


April 9 2015

Dear Board of Selectmen

We would like to amend our current Class 1 agents or sellers license to include storage of 37 automobiles at 45 Powder Mill Road Acton Ma 01720

Thank you for your attention in this matter.


John E Swanson

Swanson Buick Gmc Trk Inc

978-897-3311



**Town of Acton
472 Main Street
Acton, MA 01720**

**SUPPLEMENTAL APPLICATION to Form 53
LICENSE TO SELL MOTOR VEHICLES ANNUAL FEE \$100.00**

Date: 4.9.15

Business Owner: John E Swanson
First Middle Initial Last

Address: Concord 01742 Telephone #: _____
Town/City zip

Name of Business: Swanson Buick GMC Truck Attach copy of Business Certificate

Business Location: Lot 1 Sudbury Rd Telephone # 978.897.3311

Corporation Name: (If applicable) _____ Attach copy of
Articles of Incorporation

Address: _____ FID # _____
Town/City

Manager Name: John E Swanson
First Middle Initial Last

Address: 244 School St Acton MA 01720
Town/City zip

Home Telephone: _____ Cell Phone: _____

Date of Birth: 4 12 71 Social Security num _____
Month Day Year

Please answer the following:
Number of vehicles to be stored at any one time: 230
Purpose (s) of vehicles to be stored: new used car dealership
Origin of vehicles to be stored Acton MA 01720

Do you plan to sell by auction in addition to retail? Yes No

- Be sure that the following documents are attached:
1. Form 53 - Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles
 2. Business certificate (Issued by Town Clerk's Office) or Articles of Incorporation
 3. Certificate of Compliance with State Laws, completed and signed
 4. Workers' Compensation Insurance Affidavit, completed and signed
 5. Plot plan of property to be used for storage of motor vehicles

Applicant signature: [Signature]
Application - Class I & II Car Dealers
Dealer's License
Bin/Licenses



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 1 Congress Street, Suite 100
 Boston, MA 02114-2017
 www.mass.gov/dia

Print Form

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: Swanson Buick GMC TRK Inc.

Address: Lot 1 Sudbury Road

City/State/Zip: Acton MA 01720 Phone #: 978.897.3311

<p>Are you an employer? Check the appropriate box:</p> <p>1. <input checked="" type="checkbox"/> I am an employer with <u>20</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]</p> <p>3. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**</p> <p>4. <input type="checkbox"/> We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]</p>	<p>Business Type (required):</p> <p>5. <input checked="" type="checkbox"/> Retail</p> <p>6. <input type="checkbox"/> Restaurant/Bar/Eating Establishment</p> <p>7. <input type="checkbox"/> Office and/or Sales (incl. real estate, auto, etc.)</p> <p>8. <input type="checkbox"/> Non-profit</p> <p>9. <input type="checkbox"/> Entertainment</p> <p>10. <input type="checkbox"/> Manufacturing</p> <p>11. <input type="checkbox"/> Health Care</p> <p>12. <input type="checkbox"/> Other _____</p>
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*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
 **If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: Aon Risk Services Inc of Florida

Insurer's Address: 1001 Brickell Bay Dr. Suite 1100

City/State/Zip: Miami Florida 33131

Policy # or Self-ins. Lic. # WC 094184300 MA Expiration Date: 7-1-15

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Handwritten Signature] Date: 4.9.15

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
 6. Other _____

Contact Person: _____ Phone #: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/13/14

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services, Inc of Florida 1001 Brickell Bay Drive, Suite #1100 Miami, FL 33131-4937	CONTACT NAME: Aon Risk Services, Inc of Florida	
	PHONE (A/C, No, Ext): 800-743-8130 FAX (A/C, No): 800-522-7514 EMAIL ADDRESS: ADP.COI.Center@Aon.com	
INSURED ADP TotalSource II, Inc. 10200 Sunset Drive Miami, FL 33173 ALTERNATE EMPLOYER Swanson Pontiac-Buick-Gmc 12 Sudbury Rd, Acton, MA 01720	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: New Hampshire Ins Co	23841
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES **CERTIFICATE NUMBER:** 810059 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. LIMITS SHOWN ARE AS REQUESTED.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEC RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WC 094184300 MA	7/1/2014	7/1/2015	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 All worksite employees working for the above named client company, paid under ADP TOTALSOURCE, INC.'s payroll, are covered under the above stated policy. The above named client is an alternate employer under this policy.

CERTIFICATE HOLDER**CANCELLATION**

SWANSON PONTIAC-BUICK-GMC 12 SUDBURY ROAD ACTON, MA 01742	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Aon Risk Services, Inc of Florida</i>
---	---

NUMBER

4

FEE

\$100.00

THE COMMONWEALTH OF MASSACHUSETTS

Town of Acton

**AGENT'S OR SELLER'S LICENSE - CLASS I
FOR THE SALE OF SECOND-HAND MOTOR VEHICLES**

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto **Swanson Buick-GMC Truck, Inc.** whose principal business is the sale of new motor vehicles as a recognized agent of the **Division of General Motors** (or who has a signed contract as required by Section 58, Class 1), is hereby licensed to purchase and sell, as incidental or secondary thereto, second-hand motor vehicles at **No. Lot 1 Sudbury Road.** on premises described as follows: **96,300 square of land with building of 8,250 square feet.** Limited to 200 new and used vehicles stored on the premises.

November 17, 2014

Mike Loring

Kip 9.52

[Signature]

[Signature]

[Signature]

THIS LICENSE EXPIRES JANUARY 1, 2016

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE UPON THE PREMISES

(OVER)

THE COMMONWEALTH OF MASSACHUSETTS

OF

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a _____ class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Swanson Buick GMC TRK Inc.

Business address of concern. No. Lot 1 Sudbury Rd St.,
Acton City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? _____

Corporation

3. If an individual, state full name and residential address.

N/A

4. If a co-partnership, state full names and residential addresses of the persons composing it.

N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

✓ President John E Swanson

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

If so, is your principal business the sale of new motor vehicles? yes

Is your principal business the buying and selling of second hand motor vehicles? yes

Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.
For the sale of new + used vehicles

8. Are you a recognized agent of a motor vehicle manufacturer? yes
(Yes or No)
If so, state name of manufacturer Gmc. Buick

9. Have you a signed contract as required by Section 58, Class 1? yes
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? yes
(Yes or No)
If so, in what city — town Acton

Did you receive a license? yes For what year? 2015
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? no
(Yes or No)

✓ Sign your name in full [Signature]
(Duly authorized to represent the concern herein mentioned)
✓ Residence Concord, ma

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ 19 _____ Fee \$ _____

Signed _____

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

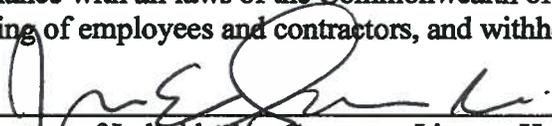
Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

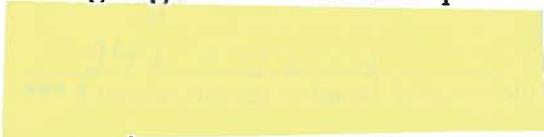
SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the Undersigned acting on behalf of the License Holder, certifies under the penalty of perjury that, to the best of the undersigned knowledge and belief, the License Holder is in Compliance with all laws of the Commonwealth of Massachusetts relating to taxes, Reporting of employees and contractors, and withholding and remitting child support*.



** Signature of Individual or Corporate License Holder (Mandatory)



Number/or Federal Identification Number

By: John E Swanson Date: 4.9.15
Corporate Officer

(Mandatory, if applicable)

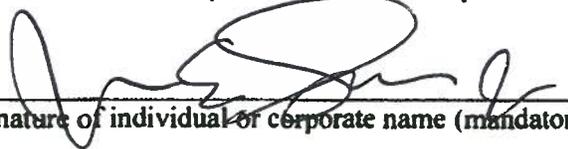
*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

** Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other Agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.

**MASSACHUSETTS DEPARTMENT OF REVENUE
REVENUE ENFORCEMENT AND PROTECTION (REAP) ATTESTATION**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

✓ 
* Signature of individual or corporate name (mandatory)

✓ John E Swanson
By: Corporate officer (mandatory, if a corporation)

** Social Security Number  Number (mandatory, if a corporation)

- * This license will not be issued unless this certification clause is signed by the applicant.
- ** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass. G.L. c. 62C s. 49A.

PLEASE RETURN TO:

TOWN OF ACTON
OFFICE OF THE TOWN MANAGER
472 MAIN STREET
ACTON, MA 01720

THE TOWN MANAGER'S OFFICE UPON RECEIPT WILL FORWARD ALL COPIES OF THE APPLICATIONS TO THE FOLLOWING DEPARTMENTS FOR THEIR REVIEW AND RECOMMENDATION.

The Police Chief - shall initiate a background check of the proposed manager and review the Application to determine if, in his opinion, any public safety hazard would exist by reason of the location or the hours of operation.

The Fire Chief or his designate, shall review and examine the proposed business location to Determine if, in their opinion, any public safety hazard would exist by reason of the location, and that the proposed premises meets all fire safety regulations.

Building Commissioner shall examine and review the proposed business location to determine if, in their opinion, any public safety hazard would exist by reason of the location, and that the proposed premises meets all building safety regulations and building codes. Also proposed signage for the business

The Zoning Enforcement Officer shall examine and review proposed business location to determine if it conforms to all zoning regulations and bylaws.

The Treasurer's Office shall examine their records to see that all taxes and fees due to the Town of Acton are current to date for both the applicant and owner of property to be used for proposed business.

Each of Departments shall make whatever recommendations it deems necessary to the Town Manager's office after review of such application, recommending such measures or restrictions on the issuance of any license as may be necessary to protect the public peace, health, safety or general welfare of the community.

—

TOWN OF ACTON APPLICATION FOR CLASS 1 AND 2 DEALER LICENSES

Class 1 and 2 Dealer Licenses are issued in conformity with the authority granted by General Laws, Chapter 140 and amendments thereto. All licenses expire December 31 of each year. The Town of Acton requires an advertised public hearing in the local newspaper at Applicants cost.

Town of Acton Application for Class 1 and 2 Dealer License

The Town Manager's office upon receipt will forward copies of all applications to the following departments for their review and recommendations.

Every question must be answered

Plan should indicate the total number of vehicles for display, customer and employee parking. Plan should show the number of available parking spaces used to park vehicles for sale, as well as for vehicles of the employees and customers.

Proof of \$25,000 Bond (Class II Only)

Every Class II license dealer must present to the Local Licensing Authority in which he is licensed proof of a \$25,000 Bond or acceptable alternative at the time of application for a New license. (See MG, C140, Section 58 (1-6) (Class II Only)

Every very Class II license Dealer must present the Local Licensing Authority in writing in which he is licensed proof of an agreement with a repair facility for Warranty Obligations See MG, C140 Section 58(8) and C90, Section 7n.25 (Class II Only)

Once the above documents are complete return them to the Town Manager's Office, copies will be distributed to the Town Departments for their review and comments. A hearing will be scheduled before the Board of Selectmen.

If you have any questions, please contact Lisa Tomyl, Executive Assistant, Town Manager's Office at 978-929-6611

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations

1 Congress Street, Suite 100
Boston, MA 02114-2017

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE

Fax # 617-727-7749

www.mass.gov/dia

Chapter 422 of the Acts of 2002

AN ACT RELATIVE TO CERTAIN MOTOR VEHICLE DEALERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 58 and inserting in place thereof the following section:-

Section 58. (a) Licenses granted under sections 59 and 59A shall be classified in accordance with subsections (b) to (d), inclusive.

(b) *Class 1.* Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter applicable to holders of licenses of Class 2, except subsection (c), and to rules and regulations made under those provisions; and provided further, that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N! of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N! of said chapter 90.

(c) *Class 2.* A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license and shall be subject to the following conditions:

(1) The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth. The bond or its equivalent shall be for the benefit of a person who purchases a vehicle from a Class 2 licensee, and who suffers loss on account of:-

(i) the dealer's default or nonpayment of valid bank drafts, including checks drawn by the dealer for the purchase of motor vehicles;

(ii) the dealer's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or expressly assumed in writing by the buyer of the vehicle;

(iii) the fact that the motor vehicle purchased from the dealer was a stolen vehicle;

(iv) the dealer's failure to disclose the vehicle's actual mileage at the time of sale;

(v) the dealer's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or

(vi) the dealer's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the dealer had assumed the obligation to pay off the lien.

(2) Recovery against the bond or its equivalent may be made by any person who obtains a final judgment in a court of competent jurisdiction against the dealer for an act or omission on which the bond is conditioned if the act or omission occurred during the term of the bond. Every bond shall also provide that no suit may be maintained to enforce any liability on the bond unless brought within 1 year after the event giving rise to the cause of action.

(3) The bond or its equivalent shall cover only those acts and omissions described in clauses (i) to (vi), inclusive, of paragraph (1). The surety on a bond shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against the bond or the number of years the bond remained in force.

(4) A separate bond shall be required for each different name under which the dealer conducts his business and for each city or town in which the dealer has a place of business.

(5) In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth, which has a face value equal to the amount of the bond otherwise required. The collateral may be deposited with or executed through any authorized state depository designated by the commissioner. Interest on the certificate of deposit shall be payable to the dealer who has deposited it as collateral, or to a person as the dealer or the certificate may direct.

(6) A surety shall provide to the municipal licensing authority notice of cancellation of the bond within 30 days of the cancellation.

(7) Upon receipt of notification from a surety that a bond has been cancelled, the municipal licensing authority shall notify the licensee that he has 10 days to comply with the bonding requirement. If the licensee does not comply within the 10 day period, the municipal licensing authority shall revoke the Class 2 license and shall notify the registrar who shall suspend or revoke any dealer plate issued to the licensee pursuant to section 5 of chapter 90.

(8) A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed, and that the licensee maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N! of chapter 90. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section 7N¼ of said chapter 90.

(d) *Class 3.* A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be

granted a motor vehicle junk license.

(e) The registrar of motor vehicles, after consulting the office of consumer affairs and business regulation, shall adopt rules and regulations defining sufficient repair facilities for the purposes of subsection (b) and paragraph (8) of subsection (c).

SECTION 2. The regulations adopted by the registrar of motor vehicles under section 58 of chapter 140 of the General Laws, as they were in force on the effective date of this act, shall continue in force until amended as provided in subsection (e) of said section 58 of said chapter 140.

Approved December 24, 2002.

Return to:
List of Laws passed in 2002 Session
General Court home page, or
Commonwealth of Massachusetts home page.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Steven L. Ledoux
Town Manager

April 1, 2015

Swanson Buick-GMC Truck Inc.
12 Sudbury Road
Acton, MA 01720

RE: Potential Auto Dealer License Violation

To Whom It May Concern;

Recently our Traffic Division performed their annual Class I+II Auto Dealership License Inspection, and your location was flagged as having a possible violation. Enclosed is the Detective report along with photos dated from March 27, 2015.

Please review the report and let me know if there are any discrepancies. You may also contact Mr. Scott Mutch, Zoning Enforcement Officer at 978-929-6631, or smutch@acton-ma.gov if your site plan needs to be updated with the Town of Acton.

Sincerely,

Lisa Tomyl
Executive Assistant
Office of the Town Manager
ltomyl@acton-ma.gov

To: Lisa Tomyl

From: Detective Christopher Prehl

Subject: Class 1 and 2 dealer compliance checks

Date: March 27, 2015

Lisa,

I completed my yearly compliance check of all class 1 and 2 used and new car dealers in the town. I discovered one violation at Swanson Buick-GMC Truck, Inc, license number 4. The license specifically states that the vehicles will be at lot 1 Sudbury Rd. I discovered a variety of 28 new light duty trucks and SUV's for sale at the lot owned by Swanson Buick – GMC at 45 Powdermill Rd (corner of Sudbury and Powdermill Rd). I check with Scott Mutch and he was unaware of any changes made to the site plan at the Powdermill Rd or Sudbury Rd. properties. Please find the attached photos of the violation that was discovered.



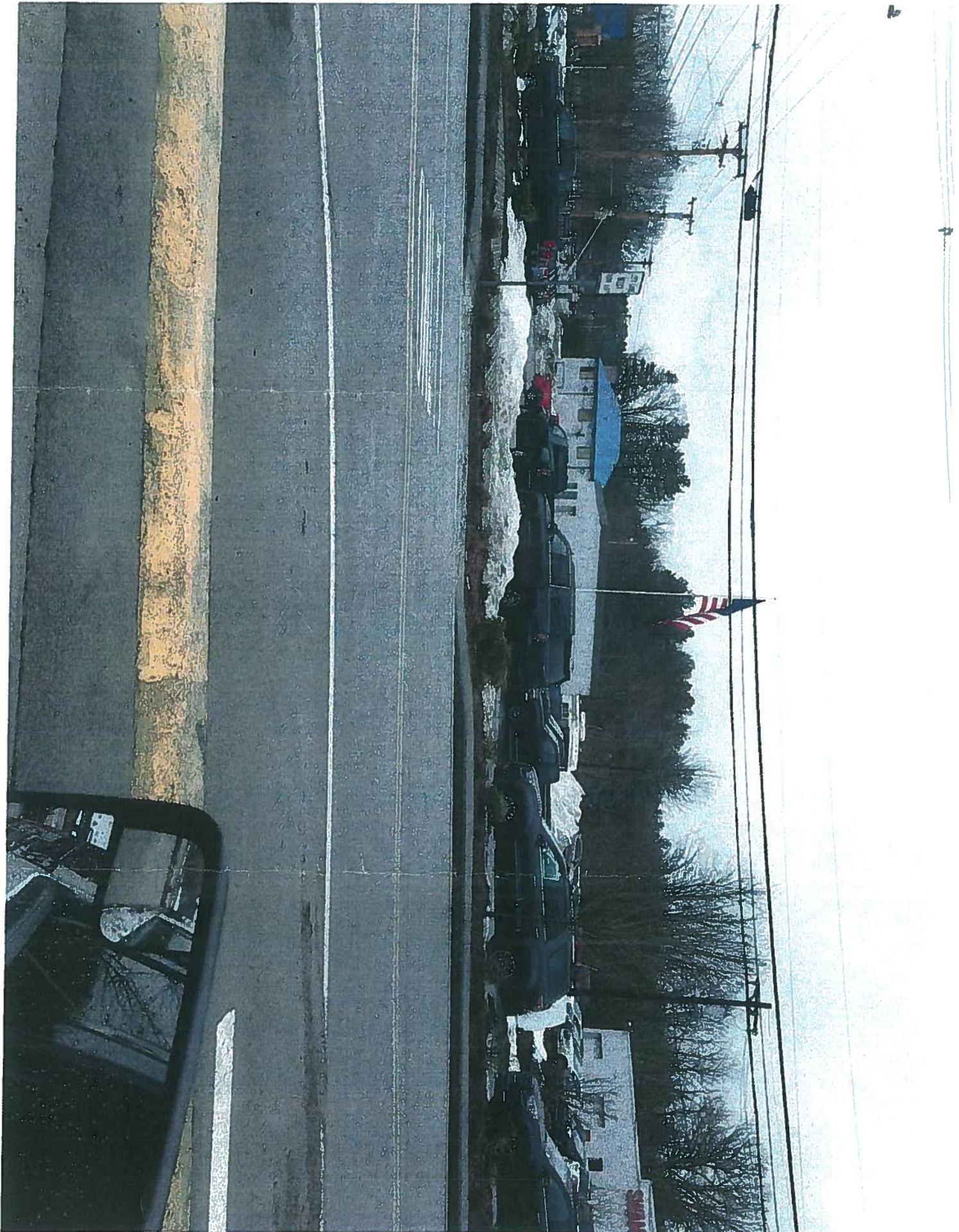
Christopher N. Prehl

Detective

Acton Police Department

Traffic Division





John Swanson

From: Lisa Tomyl [ltomyl@acton-ma.gov]
Sent: Tuesday, April 07, 2015 10:11 AM
To: 'John Swanson'
Subject: RE: Swanson Buick GMC Meeting info.
Attachments: Class I and II Auto Dealer Application Packet.pdf

Hi John – and thank you. So, it appears that we need to have you do an amendment to your license. The Board of Selectmen is the only Board that grants changes or amendments to Class I&II Auto Dealer Licenses. I apologize for making you go through this right now, but we definitely want to have you squared away for any unforeseeable issues in the future!

The process is not painful, but you will have to appear before the Board of Selectmen (or your designee) sooner rather than later. For your convenience, I have attached the regular application. Please fill it out in its entirety, and include a cover letter with what you are requesting to amend (lot size, number of cars, etc – basically what you have for a setup currently), send it back to me, and I will schedule the earliest hearing date as possible (at this point it will be in May).

From: John Swanson [<mailto:johns@swansonbuickgmc.com>]
Sent: Tuesday, April 07, 2015 9:50 AM
To: Lisa Tomyl
Subject: Swanson Buick GMC Meeting info.

HOURS OF OPERATION

<u>SUNDAY</u>	<u>MONDAY</u>	<u>TUESDAY</u>	<u>WEDNESDAY</u>	<u>THURSDAY</u>	<u>FRIDAY</u>	<u>SATURDAY</u>
	9 AM	9 AM	9 AM	9 AM	9 AM	9 AM
	7:30 PM	7:30 PM	7:30 PM	7:30 PM	6 PM	5 PM

DF

The Commonwealth of Massachusetts
William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place - Room 1717, Boston, Massachusetts 02108-1512

Filing Fee: \$125.00
Late Fee: \$25.00

FORM MUST BE TYPED

Annual Report for Domestic
and Foreign Corporations

(General Laws Chapter 156D, Section 16.22; 950 CMR 113.57)

150004752

- 042070622
- Exact name of the corporation: Swanson Buick-GMC Truck, Inc.
 - Jurisdiction of incorporation: Massachusetts
 - Street address of the corporation's registered office in the commonwealth (number, street, city or town, state, zip code):
Old Powder Mill Road
Concord MA 01742
 - Name of the registered agent at the registered office: John E. Swanson, Jr.
 - Street address of the corporation's principal office (number, street, city or town, state, zip code):
Old Powder Mill Road
Concord MA 01742-4698
 - Provide the names and addresses of the corporation's board of directors and its president, treasurer, secretary, and if different, its chief executive officer and chief financial officer.

NAME	ADDRESS
President: John E. Swanson, Jr.	78 Forest Ridge Road, Unit#102 Concord MA 01742
Treasurer: John E. Swanson, Jr.	78 Forest Ridge Road, Unit#102 Concord MA 01742
Secretary: Virginia L. Swanson	78 Forest Ridge Road, Unit#102 Concord MMA 01742
Chief Executive Officer:	
Chief Financial Officer:	
Directors: John E. Swanson, Jr.	78 Forest Ridge Road, Unit#102 Concord MA 01742
Virginia L. Swanson	78 Forest Ridge Road, Unit#102 Concord MA 01742

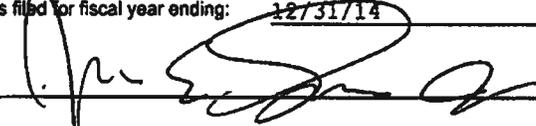
7 Briefly describe the business of the corporation: Sales and service of automobiles

8-9 Capital stock of each class and series:

CLASS OF STOCK	TOTAL AUTHORIZED BY ARTICLES OF ORGANIZATION OR AMENDMENTS Number of Shares	TOTAL ISSUED AND OUTSTANDING Number of Shares
COMMON	3,500	100
PREFERRED		

10 Check if the stock of the corporation is publicly traded.

11 Report is filed for fiscal year ending: 12/31/14 (month, day, year)

Signed by: 

Chairman of the board of directors President Other officer Court-appointed fiduciary

on this 23 day of Feb, 2015

**D
PC**

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

Articles of Amendment

FORM MUST BE TYPED

(General Laws Chapter 156D, Section 10.06; 950 CMR 113.34)

(1) Exact name of corporation: Swanson Pontiac-Buick-GMC Truck, Inc.

(2) Registered office address: Old Powder Mill Road, Concord, MA 01742
(number, street, city or town, state, zip code)

(3) These articles of amendment affect article(s): Article 1
(specify the number(s) of article(s) being amended (I-VI))

(4) Date adopted: December 31, 2009
(month, day, year)

(5) Approved by:

(check appropriate box)

- the incorporators.
- the board of directors without shareholder approval and shareholder approval was not required.
- the board of directors and the shareholders in the manner required by law and the articles of organization.

(6) State the article number and the text of the amendment. Unless contained in the text of the amendment, state the provisions for implementing the exchange, reclassification or cancellation of issued shares.

Article 1. The exact name of the corporation is changed to:

Swanson Buick-GMC Truck, Inc.

4
PC.

To change the number of shares and the par value, * if any, of any type, or to designate a class or series, of stock, or change a designation of class or series of stock, which the corporation is authorized to issue, complete the following:

Total authorized prior to amendment:

WITHOUT PAR VALUE		WITH PAR VALUE		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE

Total authorized after amendment:

WITHOUT PAR VALUE		WITH PAR VALUE		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE

(7) The amendment shall be effective at the time and on the date approved by the Division, unless a later effective date not more than 90 days from the date and time of filing is specified: _____

*G.L. Chapter 156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. Chapter 156D, Section 6.21, and the comments relative thereto.

Signed by: John E. [Signature]
(signature of authorized individual)

- Chairman of the board of directors,
- President,
- Other officer,
- Court-appointed fiduciary,

on this 26 day of April 2010

COMMONWEALTH OF MASSACHUSETTS

File

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

Articles of Amendment
(General Laws Chapter 156D, Section 10.06; 950 CMR 113.34)

I hereby certify that upon examination of these articles of amendment, it appears that the provisions of the General Laws relative thereto have been complied with, and the filing fee in the amount of \$ 100 having been paid, said articles are deemed to have been filed with me this 4 day of March, 20 10, at 10:30 a.m./p.m.
time

Effective date: March 4 2010
(must be within 90 days of date submitted)

William Francis Galvin
WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

1109399

Filing fee: Minimum filing fee \$100 per article amended, stock increases \$100 per 100,000 shares, plus \$100 for each additional 100,000 shares or any fraction thereof.

SECRETARY OF THE
COMMONWEALTH
2010 MAR -4 PM 1:05
CORPORATIONS DIVISION

Examiner

Name approval

TO BE FILLED IN BY CORPORATION
Contact Information:

C

M

Charles J. DiMatteo, Jr., CPA

6 Ashdale Drive

North Billerica, MA 01862

Telephone: 978-667-5775

Email: c.dimatteo@comcast.net

Upon filing, a copy of this filing will be available at www.sec.state.ma.us/cor. If the document is rejected, a copy of the rejection sheet and rejected document will be available in the rejected queue.

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORPORATIONS AND TAXATION
HENRY F. LONG, COMMISSIONER
236 STATE HOUSE, BOSTON

ARTICLES OF ORGANIZATION

We, John E. Swanson, Carl W. Swanson, and James V. Lennon,

All
being ~~a majority of~~ the directors of

SWANSON PONTIAC, INC.

electd at its first meeting, in compliance with the requirements of General Laws, Chapter 156, Section 10, hereby certify that the following is a true copy of the agreement of association to form said corporation, with the names of the subscribers thereto:

We, whose names are hereto subscribed, do, by this agreement, associate ourselves with the intention of forming a corporation under the provisions of General Laws, Chapter 156.

The name by which the corporation shall be known is

SWANSON PONTIAC, INC.

The location of the principal office of the corporation in Massachusetts is to be
the Town of Lincoln, and outside Massachusetts, None

~~the~~ State of

[The business address of the corporation is to be

South Great Road, South Lincoln, Massachusetts

Street and number (if office building, give room number), city or town.

If such business address is not yet determined, give the name and business address of the treasurer or other officer to receive mail.

Name and title of officer to receive mail and his complete business address.

The purposes for which the corporation is formed and the nature of the business to be transacted by it are as follows:

(as stated on attached sheets)

Leave this space for binding

m

Jan 3 1960

The nature of the business, and the objects and purposes to be transacted, promoted and carried on, are to do in any part of the world, and as principal or agent, any or all the following things, viz:

General manufacturing, wholesaling, jobbing, retailing, buying, selling, exchanging, processing, converting, designing, engineering, fabricating, constructing, importing, exporting, trading and dealing in materials, merchandise, supplies, commodities and services of every kind and nature, and to act as merchants, traders, factors, agents and commission men.

To enter into, make and perform contracts of every kind for any lawful purpose for which a special charter is not required with any person, firm, corporation, municipality, state or national government, country or colony or dependency, thereof.

To develop natural resources; and to produce, manufacture, purchase or otherwise acquire, own, hold, store, mortgage, pledge, sell, assign, transfer or otherwise dispose of, or lease, to invest, trade and deal in raw materials, goods, wares, merchandise and other personal property of every class and description, including services.

To carry on the business of general contractor and builder and all businesses incidental thereto.

To buy, sell or otherwise deal in notes, open accounts and other similar evidences of debts, or to loan money and take notes, open accounts, and other similar evidences of debt as collateral security therefor.

To buy, sell, trade, rent, lease, construct, process, fabricate, convert, exchange and deal in, for cash or otherwise, whatever may be necessary, incidental or convenient to carry on the businesses of manufacturers, agencies, dealers and factory representatives of new and used automobiles, trucks, busses, tractors, trailers, airplanes and all other kinds of vehicles and other means of transportation, agricultural, construction, road-building and other machinery, implements, motors, engines, and lighting and power plants, and accessories, parts, supplies and equipment appurtenant thereto; and, to assemble, construct, maintain, paint, rent, rebuild, repair, service and store vehicles and machinery, supplies, accessories, and equipment appurtenant thereto; and, to operate garages, hangars, machine and electrical shops, filling stations, parking spaces, driving schools; and, to deal in gasoline, lubricants, tires, tubes and other merchandise and materials of whatsoever kind or description.

To purchase, lease, subscribe or apply for, or otherwise acquire, register, hold, sell, assign, transfer, lease, mortgage, pledge or otherwise dispose or avail of, and also to buy, and sell, underwrite, handle on commission or otherwise deal in the stocks, shares, bonds, notes and other securities and evidences of interest in or indebtedness of, and all other interests in and claims upon any person, firm, voluntary association, trust, joint stock company or corporation, of this or any other state, territory or country, and while the owner or holder thereof, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, in the same manner and to the same extent that an individual might do; and also to purchase or otherwise acquire, hold, sell and otherwise dispose of its own capital stock.

To act for others as agent, broker, attorney-in-fact, factor, or in any other lawful manner, and to join with others, on such terms and conditions as may be agreed upon, in any enterprise conducive to the success of the business in the corporation.

To borrow money and otherwise contract indebtedness for the purposes of the corporation, and to issue its bonds, notes, debentures or other evidences of indebtedness therefor, and to secure the same by mortgage

or through lien on its property, franchises, rights, and privileges of every kind and nature, or any part thereof; and to assume or guarantee, or to secure by mortgage or through lien as aforesaid, the payment of any dividends upon any stock, shares or other interest and the payment of principal or interest on any bonds, notes or other indebtedness, whether to facilitate its disposal thereof or because of an interest in the proceeds thereof, or for any other lawful reason or consideration whatsoever.

To lend money or credit to and to aid in any other manner any person, firm, voluntary association, trust, joint stock company or corporation of which any obligation or in which any interest is held or paid by this corporation or in the affairs or prosperity of which this corporation has a lawful interest, and to do all acts and things designed to protect, preserve, improve or enhance the value of any such obligation or interest and to guarantee and to mortgage its property to secure the payment of principal, interest and dividends on any stocks, shares, bonds, notes or other evidences of interest or indebtedness, and the performance of any other contract or obligation of any such person, firm, voluntary association, trust, joint stock company or corporation.

To merge or consolidate on such terms and conditions as may be agreed upon, by purchase or lease from or sale or lease to, or by any other lawful method, with any other corporation, joint stock company or association of this or any other state.

To carry on in connection with the foregoing, any other business advantageous to the business of the corporation, and in general to do and perform every other act and things and carry on every other business whatsoever, convenient or proper for the accomplishment of any of the business of the corporation, with the right to own and operate real estate reasonably necessary to the purposes for which the corporation is organized, and to use and exercise all the powers conferred by the laws of the Commonwealth of Massachusetts upon business corporations.

~~Section 4, Shares~~

(a) Restrictions.

Every Stockholder shall purchase or hold stock subject to the following conditions and restrictions:

1. Any Stockholder, his heirs, executors or administrators, desiring to sell the stock owned by him or them shall first offer it for sale to the Corporation through its Directors, in the following manner:

2. He, or they, shall notify the Directors of his or their desire to sell by a notice in writing, which notice shall contain the price at which he is willing to sell, and also the name of one arbitrator. The Directors shall within ten days thereafter either accept the offer or, if unwilling to accept the stock at the price offered, shall by notice to him or them in writing, name a second arbitrator, and these two shall within ten days choose a third. Within ten days after the choice of the third arbitrator it shall be the duty of the arbitrators to ascertain the fair value of the stock, and if either party shall neglect or refuse to appear at the hearing appointed by the arbitrators, they may act in the absence of such parties.

3. After the acceptance of the offer or the report of the arbitrators as to the value of the stock, the Directors shall have thirty (30) days within which to purchase it at such valuation, but if at the expiration of the thirty (30) days the Corporation through its Directors shall not have executed its right so to purchase, the owner of the stock shall be at liberty to dispose of the same in any manner he or they shall see fit.

K. The consideration to be received for the shares of the capital stock shall not be of a value less than the par value of such shares. Shares, once issued, shall not be subject to assessment in any manner whatsoever.

(b) Designations and Preferences.

The designations and the powers, preferences and rights, and the qualifications, limitations or restrictions thereof are as follows:

The holders of the Preferred Stock shall be entitled to receive, when and as declared by the Board of Directors of the Corporation, out of any assets of the Corporation available for dividends pursuant to the laws of the Commonwealth of Massachusetts, preferential dividends at the rate of eight per centum per annum and no more, payable annually, on such days as may be determined by the Board of Directors before any dividend shall be declared or paid upon or set apart for the Common Stock. Such dividends upon the Preferred Stock shall be cumulative from the date of issue thereof so that if dividends for any past dividend period at the rate of eight per centum per annum shall not have been paid thereon, or declared and a sum sufficient for payment thereof set apart, the deficiency shall be fully paid or set apart, but without interest, before any dividend shall be paid upon or set apart for the Common Stock. Whenever the full dividend upon the Preferred Stock for all past dividend periods shall have been paid, and the

full dividend thereon for the then current dividend period shall have been paid or declared and a sum sufficient for the payment thereof set apart, dividends upon the Common Stock may be declared by the Board of Directors out of the remainder of the assets available therefor.

The Corporation may at the option of the Board of Directors, redeem the whole or any part of the outstanding Preferred Stock on any dividend payment date, by paying one hundred and ten dollars for each share thereof, together with a sum of money equivalent to dividends at the rate of eight per centum per annum on the par value thereof from the date on which the dividends thereon became cumulative to the date fixed for such redemption, less the amount of dividends theretofore paid thereon. Notice of such election to redeem shall, not less than thirty (30) days prior to the dividend date upon which the stock is to be redeemed, be mailed to each holder of stock so to be redeemed at his address as it appears on the records of the Corporation. In case less than all the outstanding Preferred Stock is to be redeemed, the amount to be redeemed and the method of effecting such redemption, whether by lot or pro rata or otherwise, may be determined by the Board of Directors. If on or before the redemption date named in such notice the funds necessary for such redemption shall have been set aside by the Corporation so as to be available for payment on demand to the holders of the Preferred Stock so called for redemption,

then notwithstanding that any certificate of the Preferred Stock so called for redemption shall not have been surrendered for cancellation, the dividends thereon shall cease to accrue from and after the date of redemption so designated, and all rights with respect to such Preferred Stock so called for redemption including any right to vote or otherwise participate in the determination of any proposed Corporate action, shall forthwith after such redemption date cease and determine, except only the right of the holder to receive the redemption price therefor, but without interest.

In the event of any liquidation, dissolution or winding up of the affairs of the Corporation, whether voluntary or involuntary, the holders of the Preferred Stock shall be entitled, before any assets of the Corporation shall be distributed among or paid over to the holders of the Common Stock, to be paid one hundred dollars, \$100.00 per share, together with a sum of money equivalent to dividends at the rate of eight per centum (8%) per annum on the par value thereof, from the date or dates upon which dividends on such Preferred Stock became cumulative to the date of payment thereof, less the amount of dividends theretofore paid thereon. After the making of such payments to the holders of the Preferred Stock, the remaining assets of the Corporation shall be distributed among the holders of the Common Stock alone, according to the number of shares held by each. If, upon such liquidation, dissolution or

winding up, the assets of the Corporation distributable as aforesaid among the holders of the Preferred Stock shall be insufficient to permit of the payment to them of said amount, the entire assets shall be distributed ratably among the holders of the Preferred Stock.

Except as expressly required by law or as herein otherwise provided, the holders of the Preferred Stock shall have no voting power nor shall they be entitled to notice of meetings of Stockholders; all right to vote and all voting power being vested exclusively in the holders of the Common Stock.

(c) Selling Prices

The Corporation shall not sell Preferred Stock for less than its par value. The Corporation may sell its Common Stock at the nominal price of one dollar per share. The Board shall also have power to determine from time to time the consideration to be received for Common Stock without par value.

The total capital stock to be authorized is as follows:

CLASS OF STOCK	WITHOUT PAR VALUE		WITH PAR VALUE	
	NUMBER OF SHARES	NUMBER OF SHARES	PAR VALUE	AMOUNT
Preferred	0	500	100	50,000
Common	3,500	0	0	0

Restrictions, if any, imposed upon the transfer of shares:

(PRINTED OR PHOTOSTATIC RESTRICTIONS MUST NOT BE ATTACHED IN THIS SPACE.)

(as stated on attached sheets)

Leave this space for binding

A description of the different classes of stock, if there are to be two or more classes, and a statement of the terms on which they are to be created and of the method of voting thereon:

Preferred Stock has No Voting Power

Other lawful provisions, if any, for the conduct and regulation of the business of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or stockholders, or of any class of stockholders:

And we further certify that:

The first meeting of the subscribers to said agreement was held on the **14th** day of **February**, **1949**.

The amount of capital stock now to be issued* is as follows:

CLASS OF STOCK	NUMBER OF SHARES	
	WITHOUT PAR VALUE	WITH PAR VALUE
Preferred	none	none
Common	200	none

Leave this space for binding

	PREFERRED	COMMON
TO BE PAID FOR:		
IN CASH:		
In full		4
By instalments to be paid before commencing business		
Amount of instalment		
IN PROPERTY:		
REAL ESTATE		
Location		
Area		
PERSONAL PROPERTY:		
Accounts receivable		8
Notes receivable		
Merchandise		140
Supplies		
Securities		
Machinery		
Motor vehicles and trailers		
Equipment and tools		48
Furniture and fixtures		
Patent rights		
Trade-marks		
Copyrights		
Goodwill		
IN SERVICES		
IN EXPENSES		

*No stock shall be at any time issued unless the cash, so far as due, or the property, services or expenses for which it was authorized to be issued, has been actually received or incurred by, or conveyed or rendered to, the corporation, or is in its possession as surplus; nor shall any note or evidence of indebtedness, secured or unsecured, of any person to whom stock is issued, be deemed to be payment therefor; and the president, treasurer and directors shall be jointly and severally liable to any stockholder of the corporation for actual damages caused to him by such issue.

*SERVICES and EXPENSES: Services must have been rendered and expenses incurred before stock is issued therefor. State clearly the nature of such services or expenses and the amount of stock to be issued therefor.

The name, residence, and post office address of each of the officers of the corporation is as follows:

	NAME	DOMICILE <small>Actual place of residence must be given.</small>	POST OFFICE ADDRESS <small>HOME OR BUSINESS</small>
President	John E. Swanson	Massachusetts Ave. Boxboro, Mass.	Massachusetts Ave. Boxboro, Mass.
Treasurer	John E. Swanson	Massachusetts Ave. Boxboro, Mass.	Massachusetts Ave. Boxboro, Mass.
Clerk	Carl W. Swanson	Martin Street Maynard, Mass.	Martin Street Maynard, Mass.
Directors			
	John E. Swanson	Massachusetts Ave. Boxboro, Mass.	Massachusetts Ave. Boxboro, Mass.
	Carl W. Swanson	Martin Street Maynard, Mass.	Martin Street Maynard, Mass.
	James V. Lennon	Lincoln Road Lincoln, Mass.	Lincoln Road Lincoln, Mass.

Leave this space for binding

IN WITNESS WHEREOF AND UNDER THE PENALTIES OF PERJURY, we hereto sign our names,
this 14th day of February, 1949.


John E. Swanson


Carl W. Swanson


James V. Lennon

THE COMMONWEALTH OF MASSACHUSETTS

WRITE NOTHING BELOW

RECEIVED

\$60 in Feb 28th

FEB 28 1949

CORPORATION DIVISION
SECRETARY'S OFFICE

Swanson Pontiac, Inc.

Fee has been paid

ARTICLES OF ORGANIZATION
GENERAL LAWS, CHAPTER 156, SECTION 10

Filed in the office of the Secretary of the Commonwealth
and Certificate of Incorporation issued

as of Feb. 28, 1949

I hereby certify that, upon an examination of the within-written articles of organization, the agreement of association, and the record of the first meeting of the incorporators, including the by-laws, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles

this 28th day of February, 1949.

Wm. F. Long
Commissioner of Corporations and Taxation

DEPARTMENT OF
K
E
T. FEB 28 1949
CORPORATIONS AND TAXATION

CERTIFICATE
RECEIVED

CHARTER TO BE SENT TO

APR 27 1949

BY SECRETARY'S OFFICE
FROM DEPARTMENT OF CORPORATIONS
AND TAXATION

Edward C. Kemp
177 State St
Boston, Mass.

FILING FEE: 1/20 of 1% of the total amount of the authorized capital stock with par value, and one cent a share for all authorized shares without par value, but not less than \$50. General Laws, Chapter 156, Section 33.