



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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May 25, 2023

Richard W. Newton, Town Clerk
Town of Erving
12 East Main Street
Erving, MA 01344

**Re: Erving Special Town Meeting of March 6, 2023 -- Case # 10870
Warrant Articles # 8 and 9 (General)**

Dear Mr. Newton:

Article 9 - We approve Article 9 from the March 6, 2023 Erving Special Town Meeting.

Article 8 – Under Article 8 the Town voted to rescind Article 25 from the February 9, 1949 Special Town Meeting that authorized the Town Moderator to appoint three people to serve as Cemetery Commissioners “in conjunction with the Town Treasurer to handle the affairs connected with cemeteries.” We take no action on Article 8 because it is not a by-law amendment and therefore does not require the Attorney General’s review and approval under G.L. c. 40, § 32. The Town should consult with Town Counsel with any questions regarding the vote under Article 8.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Nicole B. Caprioli

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cc: Town Counsel Donna L. MacNicol