



2022-054

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2022 MAY -2 P 3:49

Amesbury

Mayor Cassandra Gove

Office of the Mayor
City Hall, 62 Friend Street
Amesbury, MA 01913-2884

CITY OF AMESBURY, MA

(978) 388-8121
Fax: (978) 388-6727
govek@amesburyma.gov

Certificate of Appointment

May 2, 2022

I hereby reappoint James Humphries as Constable for the City of Amesbury for a term to commence on July 1, 2022 and to expire on June 30, 2025, and I certify that said person is qualified to perform the duties of said office and I make this appointment solely in the interest of the City of Amesbury.

Said person is not a member of another Amesbury board, committee, or commission, nor an employee of the City of Amesbury.

Kassandra Gove

Mayor



Constable Service
21 Water Street
Amesbury, Massachusetts 01913
978-388-5589 • 978-388-2223 fax

March 3, 2022

Mayor Cassandra Gove
City of Amesbury
62 Friend Street
Amesbury, MA 01913

RE: Constable Re-Appointment

Dear Mayor Gove,

I'm writing to respectfully request re-appointment as a Constable for the City of Amesbury. My current appointment expires on 06/30/2022. Attached is a copy of my last appointment for your reference.

Sincerely,

James Humphries, Constable
Tel: 978-388-5589



2019-048

RECEIVED
19 JUN -3 PM 2:42
AMESBURY CITY CLERK

Amesbury

Mayor C. Kenneth Gray
City Hall, 62 Friend Street
Amesbury, MA 01913-2884

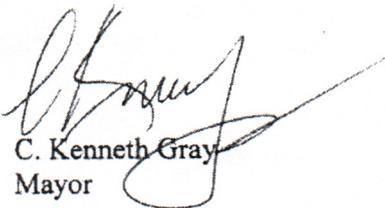
(978) 388-8121
Fax: (978) 388-6727
mayor@amesburyma.gov

Certificate of Appointment

June 3, 2019

I hereby reappoint James Humphries as Constable for the City of Amesbury for a term to expire June 30, 2022, and I certify that said person has appeared before me and is qualified to perform the duties of said office and I make this appointment solely in the interest of the City of Amesbury.

Said person is not a member of another Amesbury board, committee, or commission, nor an employee of the City of Amesbury.



C. Kenneth Gray
Mayor

Ann Marie Casey

From: Mark R. Reich <MReich@k-plaw.com>
Sent: Monday, May 2, 2022 12:04 PM
To: Ann Marie Casey
Subject: RE: Question about appointing or reappointing constables

Ann Marie –

The appointment may include language indicating the date upon which the appointment commences, so as to address this issue, such as, “For a term to commence on _____”. I hope this helps.

Mark

Mark R. Reich, Esq.

KP | LAW

[101 Arch Street, 12th Floor](#)

[Boston, MA 02110](#)

[O: \(617\) 556 0007](#)

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mreich@k-plaw.com

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From: Ann Marie Casey <caseya@amesburyma.gov>
Sent: Monday, May 2, 2022 12:01 PM
To: Mark R. Reich <MReich@k-plaw.com>
Subject: RE: Question about appointing or reappointing constables

Ok. Thanks, Mark.

I totally understand what you're saying here, but as you know, all appointments are made at Council meetings.

How do other municipalities do this? June 14th will be the last Council meeting before June 30th.

Is there a way to change the verbiage here to amend the date?

Certificate of Appointment

May 2, 2022

I hereby reappoint James Humphries as Constable for the City of Amesbury for a term to expire June 30, 2025, and I certify that said person is qualified to perform the duties of said office and I make this appointment solely in the interest of the City of Amesbury.

Said person is not a member of another Amesbury board, committee, or commission, nor an employee of the City of Amesbury.

Ann Marie Casey

From: Mark R. Reich <MReich@k-plaw.com>
Sent: Thursday, April 28, 2022 2:08 PM
To: Ann Marie Casey
Subject: RE: Question about appointing o reappointing constables

Ann Marie –

The provisions of G.L. c. 41, sec. 91, which is a local acceptance statute, govern the appointment of constables in cities. The statute states as follows:

Section 91. In a city in which the city council accepts this section, or has accepted corresponding provisions of earlier laws, constables shall be appointed by the mayor for terms not exceeding three years. The mayor may, with the consent of the board of aldermen, remove a constable from office for gross misconduct.

It is likely that the City has accepted this statute or a prior version in order to proceed with appointments of constables. The statute makes clear that the term of appointment is three years, but no limit is imposed upon the number of appointments that may be made for a particular individual. In my opinion, you may deem the action as a three year appointment, regardless of whether the individual was previously appointed; however, the nomenclature is not critical and the City may deem this a reappointment if such designation is useful for record keeping purposes. Again, this appointment, however characterized, shall be limited to three years, and this should be stated in the letter.

The provisions of G.L. c. 41, sec. 91B state with respect to the application and qualification process for constables as follows:

Section 91B. Constables shall not be appointed by mayors or selectmen under section ninety-one or ninety-one A except as hereinafter provided. A person desiring to be appointed as aforesaid shall make a written application therefor to the appointing authority stating his reasons for desiring such appointment and such information as may be reasonably required by said authority relative to his fitness for said office. Such application shall also contain a statement as to the moral character of the applicant signed by at least five reputable citizens of the city or town of his residence, one of whom shall be an attorney-at-law. The appointing authority shall also investigate the reputation and character of every applicant and his fitness for said office. The chief of police or other official having charge of the police shall upon request give the appointing authority all possible assistance in making such investigation. The office of constable shall be filled only by appointment of an applicant hereunder who is found by the appointing authority, after investigation as aforesaid, to be a person of good repute and character and qualified to hold said office.

Therefore, in accordance with the statute, the City may “investigate the reputation and character of every applicant and his fitness for said office”, meaning that the City may undertake a background check on applicants for appointment as constables. Please note that the appointment may be made only if the person is found “to be a person of good repute and character and qualified to hold said office.”

In my opinion, a constable is a statutory appointment and not a City officer and so the appointment is not subject to the twenty-one day period for review by the City Council.

Please contact me with any further questions.

Thank you.

Mark

Mark R. Reich, Esq.

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From: Ann Marie Casey <caseya@amesburyma.gov>
Sent: Thursday, April 28, 2022 12:21 PM
To: Mark R. Reich <MReich@k-plaw.com>
Subject: Question about appointing o reappointing constables

Hello Mark,

I hope you're well.

We have a request for re-appointment for Constable in Amesbury, and before we submit this appointment to Council, I have some questions.

1. Is there a term-limit? I see several re-appointment certificates for this person dating back to 2010.
2. Previous Certificates of Appointment in our files do not include the typical language that we usually place into appointment certificates. Specifically, "This appointment shall not become effective until twenty-one days following filing with the city clerk, in accordance with the Amesbury Home Rule Charter." Is this language not required for a constable appointment or reappointment?
3. Should the certificate tile be Certificate of Appointment or Certificate of Reappointment?
4. Should we be conducting a background check on this person even though he's served in this capacity for many years? <http://www.massachusettsconstables.com/services.asp>

Thank you in advance for your guidance.

Best,

Ann Marie

ANN MARIE CASEY
Office of the Mayor, Chief of Staff

T (978) 388-8121
M (781) 650-0791

City Hall | 62 Friend Street | Amesbury, MA 01913
www.amesburyma.gov

