

**BMTS Article Digest
January – February 2021**

BMTS Pedestrian & Bicycle Advisory Committee Members:

The following is a compilation of articles that may be of interest to BMTS Pedestrian & Bicycle Advisory Committee members. This and past digests can also be accessed in the Pedestrian & Bicycle Advisory Committee page of www.bmtsonline.com.

Scott

Pedestrian & Bicycle Information Center (PBIC) Messenger e-Newsletter

Go to <http://www.pedbikeinfo.org/newsroom/newsletters.cfm>.

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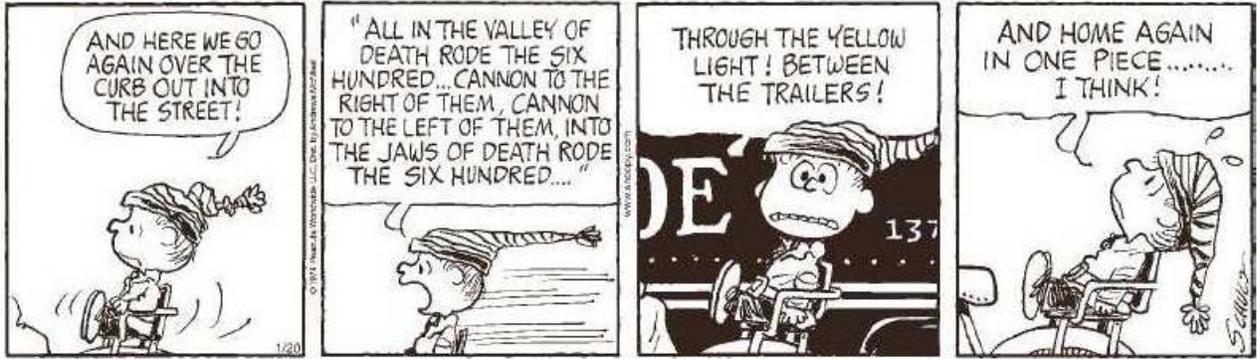


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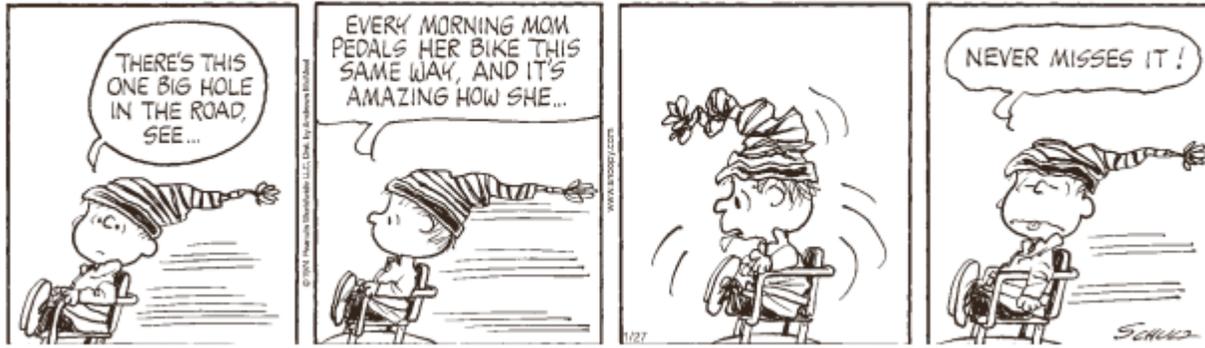
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PEANUTS / Charles M. Schulz



PEANUTS / Charles M. Schulz



See the **Two Rivers Greenway Pedestrian & Bicycle Counting 2020 Annual Report** at <http://bmtsonline.com/node/46>.



2020 Annual Report

BMTS

Thursday, 28 January 2021

DWI Crash That Killed Teen Spurs Lawsuit

Anthony Borrelli

Binghamton Press & Sun-Bulletin USA TODAY NETWORK

Constance Mazzaresse won't be there when her family plants a cypress tree in her name in the spring. It'll be on her grandparents' property in Sayre, a place already filled with happy memories from her childhood, but her family would like to add one more.

For her mother, Sharon Pond, this is a bittersweet year. Constance would be graduating from high school in Owego. The tree, a nod to the whimsical conical tree in one of Constance's favorite stories, "How the Grinch Stole Christmas," will pay tribute to a 16-year-old girl whose passion for helping animals guided her desire to become a veterinary technician.

The night of June 22, 2019, Mazzaresse and her boyfriend were riding their bicycles along Route 369 in the town of Fenton to grab some food at a nearby convenience store. They were on the eastern shoulder of the road when a drunk driver traveling in a northbound SUV left his lane and went onto the shoulder.

Mazzaresse, who attended Evertech



Constance F. Mazzaresse, an Owego 16-year-old who was killed by an accused drunk driver in Fenton, is remembered for her love of animals.

Academy at Broome-Tioga BOCES through the Owego-Apalachin school district, was struck and killed.

"Given that she would be graduating this year, we have to keep in mind that not only did she die, but she lived," Pond, an Owego resident, said recently. In their extended and blended family, Constance was survived by seven sisters and five brothers.

"We live with the pain of her absence daily," Pond said.

The drunk driver, 46-year-old Michael Gincerowski, is serving a five-to-15-year prison term for vehicular manslaughter. More court proceedings lie ahead: Mazzaresse's family has filed a negligence and wrongful death lawsuit against Gincerowski and the person whose car he allegedly borrowed the night of the crash.

The lawsuit, filed Jan. 22 in the state Supreme Court of Broome County, seeks unspecified punitive damages as a result of Gincerowski's intoxication the night of Mazzaresse's death, in an amount to be awarded through a jury trial.

Meanwhile, Pond said her family is looking forward to planting that cypress tree on property in Sayre owned by Pond's parents.

"We talk about her all the time, to keep our memories going," Pond said. "We wonder what she'd be doing, where would she be in her life, and I'd wonder how many animals I'd have in my house today, because she rescued any and all."

What the lawsuit says

The lawsuit argues "negligent and wrongful conduct" by Gincerowski and the person he borrowed the SUV from that night contributed to Mazzaresse's death.

Gincerowski, who pleaded guilty to vehicular manslaughter and aggravated driving while intoxicated, had three prior DWIs before the fatal crash. His blood alcohol content the night of June 22, 2019 was 0.19% — more than twice the legal limit.

Had she survived the crash, the lawsuit contends, Mazzaresse would have had a "viable personal injury claim" against Gincerowski.

The lawsuit also claims a Schenectady-area resident who owned the 2005 Ford that Gincerowski drove that night "negligently entrusted" the vehicle to him.

Before the crash, Gincerowski's most recent conviction for drunken driving was March 11, 2015 in Chenango County. More police and court records show he had a misdemeanor DWI from 1998, when he was 23, followed by a felony DWI in 2008.

Court records also said he was driving without an ignition interlock device, which can be a requirement for people convicted of DWI. His driver's license had been revoked since September 2014 due to a refusal to submit to a chemical test for prior a DWI arrest.

Who was Constance Mazzaresse?

Mazzaresse had earned a reputation for being "sometimes too honest," her mother said as she recalled her daughter's principal once ranking her among the most honest students he'd ever met.

At school, Mazzaresse played volleyball, and participated in drama club, band and chorus.

For the 4 1 / 2 months before her death, Mazzaresse had been working as a cashier at Price Chopper in Owego, where her mother and sister are also employed.

But it was her love of animals that family members have remembered best. When she was 6, she helped out with Happy Tails animal rescue in Owego, rounding up feral and stray cats to be neutered then released back where they came from.

How a DWI became a fatal crash

Law enforcement officials found the SUV that Gincerowski had been driving a mile north of the collision, and he was arrested at a Route 369 address later that night. Court records said he'd been on his way home before the crash.

Gincerowski admitted to Broome County Sheriff's deputies that he'd been drinking that night, his eyes were "watery/bloodshot," and he had poor coordination and balance while walking, according to court documents.

Before he was sentenced in November 2019 to the prearranged prison term, Gincerowski's issued an emotional statement of apology to Mazzaresse's family: "I wish I could trade places with her. I am so, so sorry for what I have done."
