

Artist sues Town of Rockland over Roscoe mural

By Patricio Robayo

ROSCOE — Artist Seth Indigo Carnes filed an amended complaint in U.S. District Court for the Southern District of New York against the Town of Rockland, property owner Daniel Sferrazza and Trout Town Properties 48 LLC over the mural, which read “time to unperson.”

According to the lawsuit, Carnes claims the town infringed on his First Amendment rights and that the later painting over of the mural violated the Visual Artists Rights Act.

The mural was painted on the side wall of Sunday Home, a furniture store on Stewart Avenue in Roscoe. Sunday Home does not own the building but rents the space. According to the lawsuit, the building is owned by Trout Town Properties 48 LLC.

Sunday Home Roscoe was founded in June 2024 by Shaindy Pollak and Paul Giordano, according to the store’s website.

Giordano said he and Pollak had a contract with Carnes to paint the mural and that the mural was supposed to remain up for two years.

Giordano said Sunday Home rents the building and did not have the mural removed.

“Shaindy and I did not have the mural removed,” Giordano said. “The landlord had the mural removed, so it should be very clear about that.”

Giordano added that he and Pollak had no idea the mural was being painted over until after it happened.

“It was a surprise to us as well,” Giordano said.

Carnes said he was asked last July to co-curate a mural on the wall and later offered to paint the mural himself after learning there was no budget to pay an artist.

The phrase “time to unperson” was being painted in large white letters on a black background. According to Carnes, the work was part of his ongoing Miniluv project, which draws from George Orwell’s *1984*, advertising, self-help language, social media and public messaging.

Carnes said the meaning of the phrase was meant to be open to interpretation.

“This phrase and overall project is intended to act as a poetic mirror,” Carnes said. “The text combination in the artwork is purposefully vague and symbolic, to surface a variety of meanings, where the interpretation is a reflection of the person viewing it, similar to an inkblot psychological test.”

Some of those interpretations were later collected anonymously on index cards during a mural reception at Sunday Home in August 2025.

One person wrote, “Time to sit by a stream on a mossy rock.”

Another wrote, “Withdraw. Shy away from vulnerability. Retreat.”

Others saw the phrase in relation to technology and identity, with one card reading, “I’m not sure if it’s about therapy or if it’s about AI,” and another saying it “makes me think of AI and the loss of humanity.”

Another person wrote, “Time to break the ego.”

Carnes said the range of responses showed the work was doing what it was intended to do.

“The variety of meanings for viewers seem to validate the artwork’s concept, though I never imagined some of the interpretations shared, or the aggressive response and resulting situation,” Carnes said.

According to a New York State Police incident report, Carnes reported on July 25, 2025, that while he was painting the mural, someone approached him and told him he needed to stop because the mural was vulgar. Carnes also reported that the individual said he would come back later that night to paint over the mural. The report states that Carnes paused the work and that cameras and signs were put in place to deter further action.

The lawsuit identifies that person as Phil Vallone, who started Rolling V Bus Corp., a transportation company based in South Fallsburg, and alleges he threatened to use political connections within the town to have the mural painted over. The complaint also alleges that Carnes later spoke with Town Supervisor Robert Eggleton, who had spoken with Vallone and indicated the town code enforcer would issue a citation regarding the mural.

The Democrat reached out to Vallone for comment before publication but did not receive a response by press time.

Carnes said the conflict began at that moment.

“The shift into conflict began the moment the resident drove up and made his threats, because the pressure never stopped, from that point forward,” Carnes said.

About a week later, the town issued a citation to the building owner, claiming the mural violated the Town of Rockland's sign law because no permit had been obtained.

However, a review of the Town of Rockland sign regulations shows that the law does not appear to specifically mention murals. Instead, the code regulates "signs," including certain displays painted or affixed to a building.

The lawsuit quotes the town code as defining a sign as a display, declaration, device, demonstration or illustration painted or affixed to a building or property that directs attention to an object, product, place, person, activity, institution, organization or business and is intended to attract attention or propose a commercial transaction.

The town's supplementary regulations also exempt some signs from permit requirements, including statements of personal opinion and statements of protest, as well as political signs and political advertising.

Giordano said he did not believe the mural required a permit because it was art and not commercial signage.

"There are no permits for putting up art in the Town of Rockland," Giordano said. "The only thing that they have is regarding commercial signage."

Giordano said that if Sunday Home had painted the store's name on the building, that would be different because it would advertise the business. But he said Carnes' mural did not say Sunday Home and did not advertise the store.

"Art does not fall under the permit that they have in place," Giordano said.

The Democrat reached out to the Town of Rockland, the town supervisor, the building/planning office, code enforcement and the building owner for comment before publication but did not receive a response by press time.

The mural also received public support. A MoveOn petition titled “Support free speech! Stop the censorship of a contemporary art mural in Roscoe, NY!” had 181 signatures as of the version reviewed by the Democrat. The petition states that the mural was artwork and not a commercial sign.

Paul D. Miller, also known as DJ Spooky, who lives part time in Roscoe, attended the reception at Sunday Home and said the mural fit within a larger conversation about Orwell, art and public space.

“I’m an artist and I’ve also done work around George Orwell and *1984*, so I was happy to hear about it,” Miller said. “I think it’s a value add for the town because it kind of gets people to think about public space and the arts, and it helps show that the art community is kind of evolving in the region.”

Carlo McCormick, a cultural critic and curator who lives part time in Sullivan County, said the issue goes beyond whether someone likes or dislikes the mural.

He said it raises questions about “the kind of place we want to live in the Catskills” and the nature of free expression.

For Carnes, the mural’s meaning was never meant to be one thing.

Some people saw it as a call to slow down and take in nature. Others saw it as a statement about ego, technology or losing humanity. Others found it offensive.

The lawsuit claims that because some people objected to the message, the town used its code enforcement power to stop it.

The mural was later painted over. According to the complaint, Carnes claims neither he nor Sunday Home consented to the mural's destruction. The lawsuit seeks relief under federal civil rights law, the First Amendment, the New York Constitution and the Visual Artists Rights Act.

Giordano said he does not regret agreeing to the mural, but believes the town could have used the situation as an opportunity to create a clearer process for public art.

"They could have turned this into more of an opportunity," Giordano said. "How do we go about doing a mural in the town? How do we address art in the town? Because no one has."

Carnes said he remains open to a resolution, but also feels he has to stand by the principle involved.

"I'm a secular Buddhist, where the intention in practice is compassion, equanimity, and causing the least harm," Carnes said. "At the same time, I'm compelled in this situation to stand firm, centered in my ethics and self."

He added that he would like to see the community remain calm as the case moves forward.

"We remain open to de-escalation and resolution, as has been the case over seven months," Carnes said. "If not, the result will be determined in court. I'd like to meanwhile request community support in promoting civility and calm discourse, as we move towards resolution."

CONTRIBUTED GRAPHIC

A mock-up shows how artist Seth Indigo Carnes' "time to unperson" mural was intended to look on the side wall of Sunday Home in Roscoe before the mural was stopped and later painted over. Contributed image.