18 - 11/10/26

The State of New Hampshire
Department of Transportation

David Rodrigue, P.E.
Commissioner

Susan M. Klasen, P.E.
Assistant Commissioner

Michelle L. Winters
Deputy Commissioner

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

Bureau of TSMO
October 21, 2026

Requested Action

Authorize the Bureau of Transportation Systems Management Operations (TSMO) to amend a **sole source** lease agreement, originally with Whittier Communications Inc. (Vendor 158392) of Rochester, NH and now assigned to Blue Sky Towers III, LLC (Vendor 318369) of Chagrin Falls, OH for the communications facility & tower space located at the summit of Mount Nickerson, Ossipee, NH for a total cost of $55,392.97 effective January 1, 2027 through December 31, 2031. The original lease was approved by Governor and Council on April 20, 2022, (Item #46). **50.9% Highway Funds and 49.1% Turnpike Funds (Intra-Agency Transfers).**

Funds to support this request are available in the following account in State FY 2027, and funding is contingent upon the availability and continued appropriation of funds in FY 2028, FY 2029, FY 2030, FY 2031 and FY 2032 with the authority to adjust encumbrances between fiscal years within the price limitation through the Budget Office, if needed and justified:

04-96-96-960515-3052	**FY 2027**	**FY 2028**	**FY2029**	
Trans Sys Mgmt & Operations				
022-500248	$5,216.76	$10,590.02	$10,907.72	
Rent/Lease Other Than State				
	FY 2030	**FY 2031**	**FY 2032**	**Total**
	$11,234.96	$11,572.00	$5,871.51	$55,392.97

Explanation

On April 20, 2022, the Governor and Council authorized the subject lease agreement (Item #46) in the amount of $47,782.39 for a communications facility and tower space located at the summit of Mount Nickerson, in Ossipee, NH. The Department of Transportation operates a statewide land mobile radio communications system that consists of mountaintop repeaters, dispatch locations, and mobile and portable radios that link toll, bridge maintenance, traffic operations and highway maintenance facilities with field staff. The Department of Transportation has been in occupancy at Mount Nickerson since 1998.

During the current contract term, the Lessor, Whittier Communications Inc., entered into an agreement

with Blue Sky Towers III, LLC (Vendor 318369) of Chagrin Falls, OH whereby Blue Sky Towers III, LLC acquired rights and interest in the tower space licenses located at 400 Gilman Valley Road, Ossipee, NH. The Department was notified of this in May 2023 and the lease was transferred from Whittier Communications to Blue Sky Towers III, LLC and remains in full force and effect. This contract amendment is to clearly identify the Lessor as Blue Sky Towers III, LLC and to exercise a 5-year renewal, in accordance with Section 3 Renewal Terms, and extend the lease to December 31, 2031.

This contract amendment has been approved by the Attorney General as to form and execution and the Department has verified that the necessary funds are available. Copies of the fully executed agreement are on file at the Secretary of State office and the Department of Administrative Services office, and subsequent to Governor and Council approval will be on file at the Department of Transportation.

Your approval of this renewal is respectfully requested.

Sincerely,



David M. Rodrigue, P.E.
Commissioner

Attachments

Docusign Envelope ID: 4B5B3BF3-3AA1-8E1A-82B0-F631F2C96450

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BLUE SKY TOWERS III, LLC.
BUREAU OF TSMO
CONTRACT AMENDMENT 1

WHEREAS, on April 20, 2022, Governor and Council, approved a Lease Agreement, Item #46 (the "Lease"), between the New Hampshire Department of Transportation ("Lessee") and Whittier Communications Inc. (Vendor 158392) ("Lessor").

WHEREAS the effective date of the Lease was January 1, 2022.

WHEREAS the initial term of the lease was for 60 months (5 years) and, as such, the expiration of the initial term is January 1, 2027.

WHEREAS Section 3 of the Lease contemplated two (2) automatic renewal terms of 60 months (5 years) each, subject to Governor and Council approval.

WHEREAS Lessee seeks to pursue automatic renewal of the Lease under Section 3.

WHEREAS during the original Lease term, Lessor notified Lessee that it had entered into an Assignment and Assumption of Tower Space Licenses agreement ("Assumption Agreement") with Blue Sky Towers III, LLC ("Blue Sky"). Pursuant to the Assumption Agreement, Lessor transferred to Blue Sky all of its right, title, and interest in the Lease, but the Lease would "remain in full force and effect" and would be unaltered by the Assumption Agreement.

WHEREAS the Assumption Agreement does not violate any provision of the original Lease, which provides in Section 16 that Lessor "may assign . . . its rights under this Lease at any time."

WHEREAS the property that is the subject of the Lease serves an important public safety function and is the subject of a Sub-Lease and License Agreement, attached to the Lease as Exhibits E and F, pursuant to which the New Hampshire Department of Safety ("NHDOS") operates a communications tower and shelter.

WHEREAS, in consideration of the foregoing, Lessee and Blue Sky (the "Parties") hereby seek to:

a. Amend the Lease to correctly identify the new Lessor, Blue Sky Towers III, LLC.

b. Exercise a renewal term of current lease as amended.

NOW THEREFORE the Parties agree to the following:

1. "Lessor," defined on page 1 of the April 20, 2022, Tower Site Lease, is hereby amended to redefine "Lessor" as follows:

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STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BLUE SKY TOWERS III, LLC
BUREAU OF TSMO
CONTRACT AMENDMENT 1

LESSOR:

Blue Sky Towers III, LLC

Address: 57 E. Washington Street
Chagrin Falls, OH 44022

Phone: (440)-528-0176

Attn: Janet McGee

2. The last sentence of Section 4(b) of the Lease is hereby amended as follows:

Payment, if by check, shall be delivered to the following address (or such other location as Lessor may designate in writing from time to time):

Blue Sky Towers III, LLC
57 E. Washington Street
Chagrin Falls, OH 44022

Wire transfer instructions:

Bank Name: CIBC Bank USA

Address: 70 West Madison Street
Chicago, IL 60602

ABA/Routing #: 071006486

Account #: 2720140

Account Name: Blue Sky Towers III, LLC

3. The Parties agree to exercise the first automatic renewal option as described in Section 3 of the Lease, amended as described above, for a 60-month term from January 1, 2027, through December 31, 2031. The parties agree that the amount of rent and means of payment for the renewal term is dictated by Section 4 of the Lease.

4. The Parties agree that neither the Assumption Agreement nor anything herein has an impact on the validity of the Sub-Lease and License Agreement, attached to the Lease as Exhibits E and F.

[SIGNATURES FOLLOW ON NEXT PAGE]

Docusign Envelope ID: 4B5B3BF3-3AA1-8E1A-82B0-F631F2C96450

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BLUE SKY TOWERS III, LLC
BUREAU OF TSMO
CONTRACT AMENDMENT 1

Except as provided herein, all provisions of the Agreement shall remain in full force and effect. This modification and renewal shall take effect on January 1, 2027, with approval from Governor and Council.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

Blue Sky Towers III, LLC

Signed by:
Jim Rech
07419F6F9E0943E...

09/17/26

James Rech
President/CEO

Date

Department of Transportation

10/2/26

David M. Rodrigue, PE, Commissioner
State of New Hampshire Department of Transportation

Date

Approved by the Attorney General's Office (Form, Substance and Execution)

10/21/2026

State of New Hampshire, Department of Justice

Date

Approved by NH Governor and Council

Date

State of New Hampshire
Department of State

CERTIFICATE

I, David M. Scanlan, Secretary of State of the State of New Hampshire, do hereby certify that BLUE SKY TOWERS III, LLC is a Delaware Limited Liability Company registered to transact business in New Hampshire on March 17, 2020. I further certify that all fees and documents required by the Secretary of State's office have been received and is in good standing as far as this office is concerned.

Business ID: **839095**
Certificate Number: **0007976999**

IN TESTIMONY WHEREOF,
I hereto set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 7th day of July A.D. 2026.

David M. Scanlan
Secretary of State

Site#: NH-00359
Site Name: Ossipee

BLUE SKY TOWERS III, LLC

OFFICER'S CERTIFICATE

September 17th, 2026

This Certificate is being delivered by Blue Sky Towers III, LLC, a Delaware limited liability company (the "Company"), in connection with its entrance into an Agreement (the "Agreement"), by and between the Company, as Contractor, and the Department of Safety, Division of Emergency Services and Communications, as State Agency, (the "State Agency"), pursuant to which the Company will lease space to the State Agency upon its telecommunications facility located at 400 Gilman Valley Road, in Ossipee, New Hampshire, atop of Mount Whittier.

The undersigned President and Chief Executive Officer of the Company, in his capacity as such, hereby certifies on behalf of the Company as follows:

Whereas, the Company is entering into an Agreement (the "Agreement") by and between Company, as Contractor, and Department of Safey, Division of Emergency Services and Communications, as State Agency, (the "State Agency"), pursuant to which the Company will lease space to the State Agency upon its telecommunications facility located at 400 Gilman Valley Road, in Ossipee, New Hampshire, atop of Mount Whittier.

NOW, THEREFORE, James Rech, as President and Chief Executive Officer (the "Authorized Officer"), hereby authorizes the Agreement, on behalf of the Company and all other actions ***deemed*** necessary in connection with the Agreement.

IN WITNESS WHEREOF, the undersigned has executed and delivered this Officer's Certificate as of the date first above written.

By: _____

James Rech, President and Chief Executive Officer of Blue Sky Towers III, LLC

Site#: NH-00369
Site Name: Ossipee

COMMONWEALTH OF MASSACHUSETTS)
) SS:
COUNTY OF MIDDLESEX)

On the 17th day of September in the year 2026 before me, the undersigned notary public, personally appeared James Rech, personally known to me or proved to me on the basis of satisfactory evidence of a Massachusetts Driver's License to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as President and Chief Executive Officer of Blue Sky Towers III, LLC and that by his signature on the instrument, the entity upon behalf of which he acted, executed the instrument.

STEPHEN J. LEBLANC
Notary Public, Commonwealth of Massachusetts
My Commission Expires June 18, 2032

Stephen LeBlanc

NOTARY PUBLIC

Insurance Requirements

As this lease is only for tower space for DOT Equipment on Mt. Nickerson. The Lessor (Blue Sky Towers III, LLC) is exempt from all of the insurance requirements as stated in Section 9 of the lease agreement.

> "**9. Insurance:** Lessee represents and warrants that it is self-insured. Insurance requirements for Lessee's Contractors (as defined below) are contained in Exhibit D attached hereto and are incorporated herein by this reference. In no event shall Lessor be liable for damage to Lessee's equipment, including replacement."