

Constantino, Mike

From: Clare.Ranalli@hklaw.com
Sent: Wednesday, August 03, 2011 3:12 PM
To: Avery, Courtney; Constantino, Mike
Cc: lori.wright@fmc-na.com
Subject: Project 10-086 East Aurora

Dear Courtney and Mike:

On behalf of Fresenius Medical Care, I have a request regarding the August 16, 2011 agenda. If this application could be heard out of order, possibly in the Lockport application's place, or prior to the non-substantive projects, it would be very helpful. As you know, the project is pending an intent to deny. It was delayed from the June meeting to the July 21 meeting, and prior to that had not been placed on the prior agenda when it was eligible for placement. As a result, we had to request placement on the August 16, 2011 agenda because the Landlord is claiming it will not hold the site beyond end of August. This would require Fresenius find a new site and file a new application. Given the short time frame between the July 21 meeting and August 16 meeting we were advised that new information could not be submitted in writing, and that if we appeared in August we would have to address the Board's issues in person. Given the many questions on the East Aurora application about Fresenius financials and operations, the Corporate Treasurer and someone very familiar with corporate operations will be present at the August meeting and are flying in from Boston. In addition, someone from a transplant service will be at the meeting.

The individuals from Fresenius' corporate office are flying in from Boston and we are concerned that if East Aurora is last on the agenda they may not be able to get back to Boston that evening and/or it is possible in light of the other applications on the agenda the meeting may again have to extend to a second day. It would be very helpful if possibly East Aurora could be taken out of order to avoid this.

I do recognize that the Board cannot accept multiple requests to re-arrange its agenda, and do not make the request lightly. However, the circumstances are unusual and we would appreciate the Board's consideration of the request. Again, Fresenius would be more than willing for the Lockport application to be heard toward the end of the agenda if that would help in any way to move East Aurora up on the agenda (as this might avoid disruption to other applicants on the agenda).

Thank you.

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